

NOTICE OF FINAL RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R12-4-401	Amend
R12-4-402	Amend
R12-4-403	Amend
R12-4-404	Amend
R12-4-405	Amend
R12-4-406	Amend
R12-4-407	Amend
R12-4-408	Amend
R12-4-409	Amend
R12-4-410	Amend
R12-4-411	Amend
R12-4-412	Amend
R12-4-413	Amend
R12-4-414	Amend
R12-4-415	Repeal
R12-4-416	Repeal
R12-4-417	Amend
R12-4-418	Amend
R12-4-419	Repeal
R12-4-420	Amend
R12-4-421	Amend
R12-4-422	Amend
R12-4-423	Amend
R12-4-424	Amend
R12-4-425	Amend
R12-4-426	Amend
R12-4-427	Amend
R12-4-428	Amend
R12-4-430	Amend

2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 3-1205, 17-102, 17-231(A)(2), 17-231(A)(3), 17-231(B)(8), 17-234, 17-235, 17-236(B), 17-238, 17-239(D), 17-240, 17-250, 17-255, 17-255.02, 17-306, 17-307(C), 17-314, 17-317, 17-331, 17-333, 17-371(D), and 41-1005

3. The effective date of the rules:

a. If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(B):

Not applicable

4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 20 A.A.R. 2396, August 29, 2014

Notice of Proposed Rulemaking: 20 A.A.R. 2293, August 29, 2014

5. The agency's contact person who can answer questions about the rulemaking:

Name: Celeste Cook, Rules Analyst

Address: Arizona Game and Fish Department

5000 W. Carefree Hwy

Phoenix, AZ 85086

Telephone: (623) 236-7390

Fax: (634) 236-7677

E-mail: CCook@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

6. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Arizona Game and Fish Commission proposes to amend its Article 4 rules, governing live wildlife, to enact amendments developed during the preceding Five-year Review. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement original proposals.

The Commission's rules protect native wildlife in many ways, including preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native

wildlife, and avoiding conflict among humans and wildlife which may threaten public health or safety.

In addition to the amendments made to ensure consistency between Commission rules and conformity with the Arizona Administrative Procedures Act and the Secretary of State's and G.R.R.C.'s rulemaking format and style requirements, the Commission proposes to amend Article 4. Live Wildlife rules as follows:

For R12-4-401 Live Wildlife Definitions, the objective of the rule is to establish definitions that assist persons in understanding the unique terms that are used throughout Article 4. The rule is amended to establish definitions for terms that are not self-defining or differ from the common-use definition. The term "adoption" is defined to clarify the Commission's intent regarding when the public is required to have a special license to possess wildlife. The term "aversion training" is defined to clarify that a person may use reptiles or amphibians to teach dogs how to avoid them in the wild for the purpose of "snake/frog breaking" dogs. Dog owners and persons who provide the training believe the training helps to keep them and their pets safe, especially when recreating in suburban fringes and backcountry. The term "educational institution" is defined to clarify the intent of R12-4-417 as it applies to educational displays. The term "noncommercial purpose" is defined as this is not a self-defining term and is necessary to assist in understanding rules within Article 4 and replaces references to "personal use," which is an ambiguous term. The term "non-human primate" is defined as this is not a self-defining term and is necessary to assist in understanding amendments made to R12-4-406 and R12-4-426. The term "person" is defined to expand the regulated community. The term "captive-reared" is defined to assist in understanding R12-4-413 and R12-4-414. The term "species of greatest conservation need" is defined and replaces the definition for "wildlife of special concern" to incorporate the federally approved Comprehensive Wildlife Conservation Strategy, which provides a list of species of greatest conservation need. The term "unique identifier" is defined to provide examples of acceptable permanent identifiers. The term "USFWS"(United States Fish and Wildlife Service) is defined to make the Article more concise. The terms "health certificate," "migratory birds," "taxa," "volunteer," "wildlife disease," and "zoo" are defined as these are not self-defining terms and are necessary to assist in understanding rules within Article 4. The rule is also amended to clarify some definitions. The definition of "agent" is amended to clarify the term has the same meaning as "sublicensee" and "subpermittee" which is used in federal permitting language. This is done to address those instances when a federal permit and a special license are required. The definition of "cervid" is amended to reference the Integrated Taxonomic Information System, a nationally recognized taxonomic reference that is easily accessible to the public. The definition of "endangered or threatened" is amended to incorporate the most recent version of the Federal Endangered and Threatened Wildlife regulation. The definition of "live baitfish" is amended to reference R12-4-317, which establishes requirements for the lawful use of live baitfish. The definition of "zoonotic" is amended to clarify the term and assist in understanding rules within Article 4. In addition, the rule is amended to remove the definitions that are no longer applicable or the common-use definition is satisfactory. The definition of "collect" is removed as the Commission believes R12-4-418 adequately describes permissible collection activities. The definition of "native" is removed as the commonly used definition is sufficient. The definition of "propagate" is removed as the commonly used definition of the term is sufficient.

For R12-4-402 Live Wildlife; Unlawful Acts, the objective of the rule is to establish unlawful activities for persons taking and possessing live wildlife and the Department's authority to take possession of wildlife for a violation of the rule. The rule is amended to allow the Department to euthanize lawfully possessed wildlife that pose a threat to public health, safety, or welfare, or wildlife populations to officially codify the Department's current process. The rule is also amended to enable the Department to recoup costs associated with the care, feeding, and housing of seized potentially dangerous wildlife. Owners of lawfully possessed wildlife that pose a threat to public health, safety, or welfare, or wildlife populations will be held responsible for all costs associated with their temporary care. The amendment clarifies that, although all wildlife is held in the public trust, the State and Department is not responsible for any costs incurred by the person possessing the wildlife. In addition, the rule is amended to establish the Department's authority to euthanize wildlife acquired or seized by the Department in response to a violation of any requirement of the rule to provide additional clarity.

For R12-4-403 Escaped or Released Wildlife, the objective of the rule is to establish the Department's authority to take possession of any escaped or released wildlife that poses an actual or potential threat to native wildlife, wildlife habitat, or to the safety, health, and welfare of the public. The rule is amended to provide additional clarity and establish owner responsibilities and to allow the Department to take, hold, quarantine, or seize any wildlife that has escaped or is likely to escape and poses a threat to public health, safety, or welfare, wildlife populations or wildlife habitat until it is properly contained or rehomed. In general, persons who possess captive animals hold them in a secure, safe, and humane manner. However, on occasion the animals are not held in a secure, safe, and humane manner and escape their enclosures. On occasion, exotic animals are intentionally released from their enclosures by irresponsible owners who are unable to take care of or no longer want to care for their animals. Special license holders and owners of escaped or unlawfully released wildlife will be held responsible for all costs associated with their temporary care. The rule is also amended to remove the reference to A.R.S. § 17-306 as it implies the statute establishes the conditions for release when the statute only authorizes the Commission to determine those conditions. In addition, the rule is amended to provide additional options necessary for the evaluation of any situation where native wildlife protection and the safety, health and welfare of the public are concerned. These options include permitting the temporary possession of live wildlife under the instruction and oversight of the Department. The Department requires greater flexibility in evaluating situations where escaped or released wildlife have the potential to negatively impact native wildlife habitat, public property, safety, health, and welfare.

For R12-4-404 Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License, the objective of the rule is to establish lawful activities for persons taking and possessing live wildlife under a valid hunting or fishing license and to regulate the take and disposition of live wildlife when live bag and possession limits are specified in a Commission Order. The rule is amended to provide additional clarity and ensure consistency between rules within Article 4. The Commission believes the term "personal use" is an ambiguous and proposes to replace the term with "noncommercial purpose" as this term is defined. The rule is amended to prohibit the release of propagated wildlife into the wild to assist in preventing the transmission of wildlife diseases. The Commission believes translocated and propagated wildlife has the potential to transmit wildlife

disease into healthy wildlife populations. This also ensures consistency between rules within Article 4 as the Commission also proposes to amend R12-4-404 to prohibit the release of propagated offspring. The rule is also amended to allow the use of reptiles or amphibians for aversion or avoidance training, provided the reptiles or frogs were taken under a valid Arizona hunting license and the current Commission Order authorizes a live bag and possession limit for that wildlife. Aversion training, also known as snake/frog breaking, trains the dog to run away from a snake or frog. The use of reptiles and amphibians for aversion training is considered a lawful activity, but the current rule does not address this activity. The intent of the amendment is to clarify the already legal practice of using reptiles and frogs for the purpose of providing aversion training. In addition, the rule is amended to remove "photograph" from the list of authorized noncommercial use and a new subsection (I) was added as a result of comments received, which indicated clarification was required in regards to when a special license is required to photograph wildlife.

For R12-4-405 Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit, the objective of the rule is to establish lawful activities and limitations for a person importing, purchasing, or transporting wildlife or the offspring of wildlife taken without a Department-issued license or permit to prevent harm to native wildlife of this state or to endanger public safety. The rule is amended to require a person who is importing mammals, birds, amphibians, or reptiles into this state to ensure the wildlife is accompanied by a health certificate to mirror federal and state importation requirements. The Department's management of both game and nongame species as a public resource depends on sound science, which indicates there is a potential for imported wildlife to transmit disease into healthy wildlife populations. The Commission believes it is beneficial to amend the rule to increase consistency with both federal and the Department of Agriculture's importation requirements; wherever possible and practical to do so.

For R12-4-406 Restricted Live Wildlife, the objective of the rule is to establish a list of live wildlife for which a special license is required in order to possess the wildlife and/or to engage in activities that may otherwise be prohibited under A.R.S. § 17-306 and R12-4-402. The rule is amended to increase its effectiveness by indicating that, unless otherwise specified, all transgenic wildlife is live restricted wildlife. The rule is amended to replace the term "use" with "possess" to increase the potential for proper enforcement. "Use" is a generic term that is undefined for the Article, whereas "possess" has a specific meaning relative to the Article. The rule is amended to incorporate the online taxonomic authority, www.itis.gov, a nationally recognized authority for all taxa. The Integrated Taxonomic Information System is readily available online and is easier for the public to access. The rule is amended to group the various types of species throughout the rule to reflect current taxonomy for scientific accuracy. The rule is amended to replace the term "Blue Grouse" with "Dusky Grouse" as this is the current reference for the species. The rule is amended to remove hedgehogs from the restricted live wildlife list to allow their use as pets. Although traditionally classified in the order Insectivora, hedgehogs are not exclusively insectivores but are almost omnivorous. Hedgehogs feed on berries, bird eggs, carrion, frogs and toads, grass roots, insects, melons, mushrooms, snails, and snakes. When foraging, they rely upon their senses of hearing and smell because their eyesight is weak. The hedgehog habitat is mainly hedgerows, woodlands, and meadows; they seem to prefer lush or riparian habitats. Most of the hedgehogs in

the pet industry are African pygmy hedgehogs or hybrids of same with the European hedgehog. Natural predators are canids and owls as they are nocturnal. Because Arizona has plenty of natural predators and a minimal amount of suitable habitat, the Department has determined it is highly unlikely that a hedgehog that escapes or is intentionally released into the wild will survive. The rule is amended to expand "restricted primates" to include all non-human primates. Non-human primates are known to be injurious to the public and have the potential to have or carry dangerous diseases that can have a significant impact on human health. Further regulation of primates through this Section, R12-4-406, and R12-4-426 will improve the Department's ability to regulate the importation and personal possession of those primates that regularly expose the public to potential danger. Non-human primates require professional, well-managed care and are capable of transmitting diseases to humans and contracting diseases from humans. Non-human primates includes: apes, baboons, chimpanzees, gibbons, gorillas, lemurs, lorises, marmosets, orangutans, and tamarins. Many people remain undaunted by the risks of adopting non-human primates in their homes. Most non-human primates are bred in captivity in the U.S. and some are sold to the pet trade. Viewed as status symbols or substitute children, non-human primates are commonly sold for up to thousands of dollars through newspaper ads and the Internet. It is uncertain how many primates enter the trade through captive breeding each year in the U.S., but the number is estimated to be in the thousands. The conditions in which privately owned non-human primates are kept raise serious animal welfare concerns. Most people cannot provide the special care, social grouping, housing, diet, and maintenance that non-human primates require. Once an owner realizes they can no longer handle the non-human primate, they try to place them in other homes. Others are sent to laboratories, sanctuaries, or used in breeding programs. Many animals who have become too difficult for their owners to care for, or who have outgrown their usefulness as "pets" or profit-makers, end up languishing in small pens in backyards, doomed to live in deplorable conditions. Sadly, most end up being sold and resold over and over again. The influx of unwanted animals has become overwhelming for the dozens of sanctuaries in the U.S. and most primate/exotic animal sanctuaries are full, or near capacity. Typically, non-human primates cannot be effectively toilet trained and sometimes engage in distasteful activities involving their feces and urine. Environmental contamination from pet non-human primates is of great concern. Poor hygiene and improper disposal of contaminated feces pose a serious problem. Many disease organisms can persist in the environment for long periods of time and may pose a serious threat to humans. Environmental contamination may be a significant danger to the communities where pet non-human primates are kept. As the non-human primate grows older, stronger and more unpredictable, they may turn aggressively on anyone, including the person with whom they are the closest. As a primate reaches sexual maturity, it will often become more aggressive and may start biting or fighting people to establish dominance, including attacking their owners or visitors to the owner's home. With larger primates, these behaviors can turn dangerous or even deadly for humans; as in the case of the Connecticut woman who lost her face and hands after being mauled by a friend's 200-pound chimpanzee. Some owners may attempt to change the animal's natural behavior by confinement in small enclosures, chaining, shocking, beating, and removal of teeth and nails to prevent scratching and biting. Compounding the risk of physical injury to the public, non-human primates of all sizes have the potential to carry dangerous zoonotic diseases that

can affect human health and safety. Eighty to ninety percent of all macaque non-human primates are infected with herpes B virus or simian B, a virus that is harmless to non-human primates but fatal to 70 percent of humans who contract it. Non-human primates shed the virus intermittently in saliva or genital secretions, which generally occur when the non-human primate is ill, under stress, or during periods of sexual receptivity. A person who is bitten, scratched, sneezed on, or spat on while the shedding occurs runs the risk of contracting the disease. The Centers for Disease Control and Prevention (CDC) asserts that the increase in macaque non-human primates in the pet trade may constitute an emerging infectious disease threat in the U.S. Disease organisms, particularly viruses, tend to live only in a small group of animal species to which they have adapted. Zoonotic diseases and viruses, to be spread successfully, must not kill their animal host. In the host, the organism often does little or no damage. However, when present in the human body, strategies that kept the organism in check do not work, causing them to multiply out of control and attack tissues and organs in ways it does not do when present in an animal host. This same, wrong-host phenomenon is why bird flu, equine encephalitis, and hanta viruses are dangerous or fatal in humans but rarely kill their animal host. Some of the zoonotic diseases that non-human primates carry and that can be transmitted to people are monkey pox, simian herpes B virus, simian immunodeficiency virus (SIV, the primate form of HIV), measles, rabies, Marburg virus, cercopithecine herpes virus I, salmonella, influenza virus, filoviruses (ebola), streptococcus pneumonia, viral hepatitis, and tuberculosis. Most of these diseases spread through a bite or exposure to the saliva or nasal secretions of the non-human primate, while others spread through exposure to non-human primate feces. If specific precautions are not followed, non-human primates may easily transfer disease organisms they harbor to persons who are exposed to the non-human primate. As it currently stands, there is no blanket federal rule on non-human primate ownership in the U.S., although the U.S. Centers for Disease Control (CDC) banned the commercial importation of primates as pets in 1975. As a result, responsibility for protecting people and non-human primates falls to the individual states. Currently there is a patchwork of state laws regarding "pet" non-human primates. Twenty-two states have a full ban on private ownership of non-human primates: Alaska, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Utah, Vermont, and Washington. Three states have a partial ban on private ownership of some non-human primates: Connecticut, Florida, and Tennessee. Seven states require a permit or registration to possess non-human primates as pets: Delaware, Idaho, Missouri, New Mexico, North Dakota, Rhode Island, and Wyoming. Three states require a permit to possess some non-human primates as pets, while allowing others without a permit: Mississippi, Texas, and Wisconsin. Fourteen states allow non-human primates as pets: Alabama, Arkansas, Indiana, Kansas, Michigan, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, and West Virginia. The current trend across the country is adopting regulations to prohibit specific species of dangerous animals, including non-human primates, from future possession. This is important in allowing for a more uniform approach to successfully handle this issue nationwide. Forty-seven non-human primate exposure incidents have been recorded in Arizona since the Department began tracking non-human primate exposure incidents in 1994, many more are suspected. This does not include complaints of non-human primate escapes

and numerous inquiries by the public and cooperating agencies regarding legality and housing requirements for non-human primates they have encountered. Non-human primates are not currently identified as restricted live wildlife in Arizona, but should be due to their potential negative impact on human health and safety. The Maricopa County Department of Public Health and the Humane Society of the U.S. have submitted letters in full support of the proposed restriction contained in this rule. The rule is also amended to improve consistency between federal regulations and state rules by including all birds listed under the Migratory Bird Treaty Act (MBTA) as restricted live wildlife. In addition, the rule is amended to add apple snails, Chinese mystery snails, false dark mussels, Red Shiners, and four species of tilapia to the list of restricted live wildlife. Apple snails (genus *Pomacea*) are large aquatic snails that were introduced into Arizona through the pet trade and aquaculture; currently being sold as "mystery snails" at local pet stores and other stores in the aquarium trade. Two South American species are recognized as invasive, nuisance species in the United States (U.S.): the channeled apple snail (*Pomacea canaliculata*) and island apple snail (*P. insularum*). Apple snails are voracious herbivores and will eat eggs and juveniles of other snails and decomposing organic matter. Every 12 to 15 days, the female apple snail lays a bright pink clutch of eggs (typically 200 to 300 eggs) on the stems of emergent plants and branches above the water. They are moderately amphibious and equipped with a shell door to prevent drying out while hiding in the mud during dry periods. From a human health perspective, apple snails are an intermediate host for the rat lungworm (*Angiostrongylus cantonensis*), a nematode that can cause meningitis in humans. In 2012, all species of apple snails are listed in the Department's Directors Order #1, which is a listing of all aquatic invasive species that are not native to Arizona's ecosystem and whose introduction or presence in this state may cause economic or environmental harm or harm to human health. Chinese mystery snails (*Bellamya chinensis*, synonym *Cipangopaludina chinensis*) are large freshwater snails. Though native to East Asia, this species has established itself in the U.S. This snail stays partially buried in the mud where water is low. Females give birth to live, crawling young and a single brood may have over 100 young. Mystery snails have been imported into the U.S. by the aquarium industry as well as for Asian food markets. Some releases were probably from hobbyists, and others may have been deliberate in an effort to create a local food source. They can clog the screens of water intake pipes and restrict water flow. They are also known to host parasites and diseases that can infect humans. They also compete with native snails for food and habitat resources and can serve as vectors for the transmission of parasites and diseases to our native aquatic species. False dark mussels *Mytilopsis leucophaeata* are a species of small bivalve mollusk in the false mussel family, Dreissenidae. They attach to hard substrates, including oyster and true mussel shells, rocks, boats, pilings, and ropes. The species is highly adaptable, has broad ecological tolerances, inhabits freshwater and can also be found in coastal and estuarine habitats, riparian zones, and wetlands, even occurring in cooling water conduits of power stations. This species is unlikely to be impacted by any major threats, although because of its bio-fouling abilities (causing huge economic damage to industry) it is targeted by biocides and other control measures. The Red Shiner is a common bait fish, and the emptying of bait buckets by anglers containing them is believed to be the main cause of introduction of this species into new areas. It is also commonly used as an aquarium fish. It has become a species of special concern in the U.S., as it has been implicated in the decline of

native fish populations in the areas where it has been introduced and in doing so hinder the growth of those populations. They are omnivorous and eat both aquatic and terrestrial invertebrates, algae, and have been known to eat the eggs and larvae of native fish. The average clutch size is 585 eggs and females may have 5 to 19 clutches in one reproductive season. Red Shiners are capable of generating viable hybrid offspring with closely related species. The Commission recently amended R12-4-316 to remove Red Shiner from the list of live bait minnows that can be lawfully possessed, transported, or imported by licensed anglers. The rule was also amended to allow anglers to collect Red Shiners in the wild to possess and use as bait only on the body of water where they are captured. Four tilapia species (*Oreochromis aureus*, *O. mossambica*; *O. niloticus*, *O. urolepis hornoru*, and *O. zillii*) and their hybrids are commonly used in backyard aquaculture facilities. In approximately 1972, they were imported into Florida as an experiment in fish farming. Today tilapia is the third most plentiful fish in aquaculture, surpassed only by carps and salmonids. Tilapia are generally large, fast growing, and breed rapidly; once introduced into a habitat they generally establish themselves very quickly. In doing so they compete with native fish fauna, create turbidity in the water (due to nesting behaviors) thus reducing the light available for aquatic plants, and consume a vast range of food sources causing changes in local aquatic flora. Impacts to rivers, creeks and ponds can be great, particularly the dramatic decreases in native fish populations due to predation and competition for food by the fast breeding tilapia. Native fish, invertebrates, and other organisms also experience reduced access to cover through the aggressive territorial defense of breeding and feeding sites by some tilapia species. Because tilapia are not currently restricted, there are no built in safeguards that prevent the illegal release of tilapia into Arizona waters. Adding these species to the list of restricted wildlife, as are all other game fish, would require a person to obtain an Aquatic Wildlife Stocking Permit in order to legally possess and stock tilapia. An applicant is required to provide information about the planned use and disposition of tilapia; thus allowing the Department the opportunity to assess the biological risk of issuing a permit as well as educate the public on the negative impacts of illegally stocking non-native tilapia into Arizona's waters.

For R12-4-407 Exemptions from Special License Requirements for Restricted Wildlife, the objective of the rule is to establish exemptions from special license requirements for restricted live wildlife. The rule is amended to require individuals who import wildlife into the state to possess a valid health certificate, as already required by the Arizona Department of Agriculture. The rule is amended to prohibit individuals from propagating lawfully possessed desert tortoises. Currently, there is an overabundance of captive-reared desert tortoises housed at Department and state-sanctioned adoption facilities in Arizona. As of September 2013, there were 260 unwanted captive desert tortoises available for adoption, 100 of which are under three years old. The current rule allows desert tortoise custodians to propagate captive desert tortoises and either gift the offspring to other members of the public or surrender them to the Department. A desert tortoise can lay up to 12 eggs per year, therefore captive hatchling desert tortoises are consistently surrendered at rates that are unsustainable for the Department's tortoise adoption Program. There is no conservation or scientific need to propagate desert tortoises and this practice places an undue burden on the Department and state-sanctioned adoption facilities. Captive desert tortoises pose risks to the wild populations from introduction of infectious diseases or affecting

the genetic composition of wild populations and thus cannot be released into the wild. Therefore, the Department expends considerable resources on housing and placing new generations of unwanted captive desert tortoises into approved homes; funds that are meant to be used for desert tortoise conservation, monitoring, and research. Restricting desert tortoise propagation is consistent with efforts to restrict propagation of other restricted species. There is no conservation benefit to breeding captive desert tortoises; in fact caring for unwanted pet tortoises redirects valuable Department resources from conservation goals. In addition an overabundance of captive desert tortoises may provide complications if the species is listed under the Endangered Species Act. Propagation will only be allowed as authorized by the Department. The rule is also amended to establish guidelines for the disposal of animals that die in while being transported through Arizona. In addition, the rule is amended to clarify that medical and scientific research facilities, regardless of whether they are licensed by the U.S. Department of Agriculture, are exempt from special licensing requirements when working with transgenic fish, mice, or rats.

For R12-4-408 Holding Wildlife for the Department, the objective of the rule is to establish requirements that allow a person to possess and transport live wildlife needed as evidence in pending legal proceedings without a special license and lists the circumstances and restrictions placed on that authority. The rule is amended to provide the Department with greater latitude in the amount of time it may allow a person to hold or transport wildlife for the Department. This benefits both the Department and the person who is holding or transporting the wildlife. In addition, the rule is amended to replace "designated Department employee" with "Department" to prevent the impression that only a specific employee may allow a person to temporarily hold or transport wildlife for the Department.

For all special license rules, the rules are amended to provide additional clarity and to maintain consistent language and format within the Article. The rules are amended to increase consistency between Commission rules by replacing the term "permit" with "license," wherever applicable. The rules are amended to clarify the special license does not allow the license holder to conduct any activities using federally-protected wildlife unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States. The rules are amended to clarify the special license holder is responsible for compliance with all applicable regulatory requirements. The rules are amended to clarify the special license does not exempt the license holder from complying with all applicable city, county, state, and federal codes, ordinances, rules, laws, and regulations. The rules are amended to clarify application requirements to ensure an applicant submits the correct information at the time of the initial application. The rules are amended to require an applicant to provide a Federal tax Identification Number when the person intends to use the special license for a commercial purpose and when the person uses a commercial supplier for wildlife held under the special license. The rules are amended to require an applicant to include the Universal Transverse Mercator or Global Positioning System coordinates as these are more commonplace for location descriptors and are becoming the standard for identifying locations. The rules are amended to require an applicant to affirm the information provided on the application is true and correct. The affirmation replaces the signature requirement and enables the Department to accept applications electronically. The rules are amended to reference "R12-4-412 Special License Fees" rule

to incorporate Commission-approved License Simplification changes that became effective January 1, 2014. The rules are amended to require the license holder to possess the special license and present the license to a Department employee or agent upon request to allow the Department employee or agent to readily identify any additional stipulations placed on the license holder and to ensure compliance with A.R.S. § 17-331. The rules are amended to expand reporting requirements to include persons who have not conducted activities authorized under the license. Currently, the rule only requires a report if activities are performed. In reality, a person will obtain a license and then fail to perform the permitted activities. This information is necessary for the Department to ensure license holders are performing authorized activities.

For R12-4-409 General Provisions and Penalties for Special Licenses, the objective of the rule is to establish general provisions relating to administrative compliance, licensing requirements, and penalties applicable to all special licenses issued by the Department. The Commission believes providing general provisions in one overarching rule ensures consistency between special license rules. The rule is amended to ensure consistent application of the rule and to address current nomenclature. The rule is amended to combine all game bird license rules into one overarching game bird rule: game bird field trial, game bird hobby, and game bird shooting preserve licenses. The rule is amended to require an applicant to affirm the information provided on the application is true and correct. The rule is amended to expand the time-frame for which the Department may deny a special license, when an applicant has been convicted of illegally holding or possessing wildlife, from three years to five years immediately preceding application for a special license to increase consistency between rules within 12 A.A.C. 4. The rule is also amended to clarify the license holder is responsible for all costs associated with the testing and treatment of contaminated or affected wildlife, the Department is not responsible for these costs. In addition, the rule is amended to provide the Department with greater flexibility by including additional options for actions the Department may take should a special license holder fail to adhere to the requirements of all applicable laws and rules.

For R12-4-410 Aquatic Wildlife Stocking Permit, the objective of the rule is to establish requirements that allow a person to stock restricted aquatic wildlife in an open system, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife and wildlife habitat. The rule is amended to require an applicant to further examine the potential for adverse impacts of stocking on existing wildlife species in the licensed area. The rule is amended to clarify that the aquatic wildlife stocking license is only required when an applicant intends to stock restricted aquatic wildlife; thus reducing the Department's and regulated community's burden and costs. Because the rule does not state the license is specific to restricted aquatic species, persons expend resources completing and submitting unnecessary applications and the Department expends resources receiving, reviewing, and responding to unnecessary applications. The rule is also amended to establish a protocol for disease control as this is a priority within the Department and to increase consistency between rules within Article 4. In addition, the rule is amended to require an applicant to include additional information regarding common names of aquatic wildlife, physical location, and stocking facilities to provide the Department with the information necessary to make an informed licensing decision.

For R12-4-411 Live Bait Dealer's License, the objective of the rule is to establish requirements that allow a person to conduct a commercial live bait operation, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife resources. The rule is amended to remove Red Shiner as an authorized live bait species to address emerging concerns about the interactions between Red Shiners and native aquatic species and to increase consistency between rules within 12 A.A.C. 4. R12-4-316 was recently amended to remove Red Shiner from the list of live bait minnows that can be lawfully possessed, transported, or imported by licensed anglers and to allow anglers to collect Red Shiners in the wild to possess and use them as bait only on the body of water where they are captured to aid in the conservation of native aquatic species. The rule is amended to require an applicant to include additional information regarding common names of live bait and physical location to provide the Department with the information necessary to make an informed licensing decision.

For R12-4-412 Special License Fees, the objective of the rule is to establish special license fees for those licenses listed under Article 4 Live Wildlife. The rule is amended to differentiate between new and renewal license fees and to incorporate all special licenses issued by the Department.

For R12-4-413 Private Game Farm License, the objective of the rule is to establish requirements that allow a person to operate a commercial game farm, to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife and wildlife habitat. The rule is amended to clarify language regarding propagation as it may be misinterpreted as preventing the possession of domestic animals with captive game animals. The rule is amended to replace the term "Blue Grouse" with "Dusky Grouse" as this is the current reference for the species. The rule is amended to clarify the allowable locations where a private game farm may raise Northern Bobwhite quails as this nonnative quail poses a threat to native birds if it escapes or is released. The rule is amended to require an applicant to provide additional information on the application to enable the Department to more adequately evaluate and issue the application for the requested activities. The rule is amended to better regulate the use of "hybrid wildlife," specifically in R12-4-406, which lists restricted live wildlife species, and R12-4-413, dealing with private game farms. With the amendments to R12-4-413, the Commission is attempting to address the growing number of misinterpretations regarding the use of a private game farm license, and to reaffirm the purpose for which this license was authorized. Some applicants obtain the license for the personal or recreational use of wildlife, which is not consistent with the objective of the rule. The license is intended to authorize the commercial use of wildlife for purposes such as slaughter and sale of meat and hides. The rule is amended to clearly state that a private game farm license is indeed a commercial license. The rule is amended to address the attempted sport harvest of wildlife held under this license. The rule is also amended to clearly state that, if breeding takes place, a private game farm license is issued to authorize only the breeding of wildlife species to the same species; not to authorize breeding of wildlife to domestic species to produce a hybrid that qualifies as a domestic animal. In recent years, the Department has issued private game farm licenses for the possession of servals or other types of African leopard cat (ALC). These mammals are purchased or traded for the purpose of breeding them with domestic cats to produce a hybrid. There are many different names for these

domestic hybrids depending on the species that they are bred with: savannas, chausis, bengals, etc. Although the Department has issued licenses to allow people to possess an ALC, the intent for authorizing a private game farm license is not to allow people to breed wildlife with domestic animal species. The rule is amended to prohibit the issuance of a private game farm license if the escape of the proposed species could create a threat to public health or safety. In addition, the rule is amended to require the game farm license holder to ensure their facility is inspected by a licensed, practicing veterinarian.

For R12-4-414 Game Bird Shooting Preserve License, the objective of the rule is to establish requirements that allow a person to possess, release, and take captive-reared game birds, to include authorized activities, game bird species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to combine the requirements of R12-4-414 (Game Bird Shooting Preserve License: proposed title, "Game Bird License"), R12-4-415 (Game Bird Field Trial License), R12-4-416 (Game Bird Field Trial Training Permit), and R12-4-419 (Game Bird Hobby License) into one overarching game bird rule. R12-4-415, R12-4-416, and R12-4-419 will be repealed. Currently, under the authority of these four rules, four different licenses or permits are issued for each type of game bird activity. Revising the rule as necessary to include the relevant language from the four rules into one overarching rule provides one point of reference for all requirements related to the handling of captive-reared game birds. The Commission anticipates this will lessen the administrative burden for the Department and be less confusing to the regulated community. In addition, the rule is amended to require the game farm license holder to ensure their facility is inspected by a licensed, practicing veterinarian. This is done to ensure licensees establish relationships with cooperating veterinarians so that basic medical services are provided to wildlife held under the license and prompt medical attention is provided to injured wildlife.

For R12-4-417 Wildlife Holding License, the objective of the rule is to establish requirements that allow a person to possess and care for restricted and nonrestricted live wildlife lawfully taken under a valid hunting or fishing license, scientific collecting permit, or wildlife rehabilitation license to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to allow the license holder to use an agent to assist the license holder in carrying out activities authorized under the license to increase consistency between rules within Article 4. The rule is amended to allow an applicant to submit photographs instead of a diagram and detailed description of the facility where an applicant proposes to hold wildlife. The rule is amended to allow an applicant to submit a certification issued by an institutional animal care and use committee or similar committee instead of a description of how the facility complies with requirements established under R12-4-428. Submitting photographs of a facility or a certification the license holder has already attained requires little effort or expense and is nondiscriminatory.

For R12-4-418 Scientific Collecting Permit, the objective of the rule is to establish requirements that allow a person to use live wildlife for purposes related to the advancement of science, conservation, education, or wildlife management, to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety

and existing wildlife habitat and resources. The rule is amended to allow an applicant to submit a certification issued by an institutional animal care and use committee or similar committee instead of a description of how the facility complies with requirements established under R12-4-428. Submitting photographs of a facility or a certification the license holder has already attained requires little effort or expense and is nondiscriminatory. The rule is amended to specify the license holder may only conduct activities authorized under the scientific collecting license at the locations and time periods specified on the scientific collecting license. This will allow the Department to determine where the activities can take place to protect public health, safety and welfare, and wildlife and wildlife habitat. The rule is amended to expand the requirement that the scientific collecting license holder dispose of wildlife as directed by the Department, including wildlife parts and the offspring of wildlife held under the license.

For R12-4-420 Zoo License, the objective of the rule is to establish the requirements that allow a person to collect wildlife for educational purposes, to include authorized activities, wildlife species that may be held under the license, and restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to allow an applicant to submit a certification issued by an institutional animal care and use committee or similar committee, instead of a description of how the facility complies with requirements established under R12-4-428, to reduce the Department's and regulated community's burden and costs. The rule is amended to restrict the transfer of live wildlife listed under R12-4-406 from zoos to game farms in an effort to protect wildlife resources and prevent unregulated commercial breeding of wildlife, ensure risks to the public and native wildlife populations are minimized, and ensure the receiving facility is capable of correctly managing the species. The Department can authorize the transfer of restricted species following the evaluation of the receiving facility. The rule is also amended to require a new zoo license applicant to submit photographs of its existing facility if the applicant is not a member of a recognized zoological association to reduce the regulated community's burden and costs. Submitting photographs of a facility requires little effort or expense and is nondiscriminatory. Nationally recognized associations have an accreditation process that is more stringent than Department rule or U.S. Department of Agriculture Animal Plant Health Inspection Services regulations. Currently there are two nationally recognized nonprofit groups: Association of Zoos and Aquariums and Zoological Association of America. In addition, the rule is amended to clarify that Department authorization is required before a zoo license holder can add a *new* species to its existing collection. Because the rule does not state authorization is only required when a zoo license holder wants to add a new species to its existing collection, license holders expend resources requesting authorization to acquire a new individual of a species they are already authorized to possess and the Department expends resources receiving, reviewing, and responding to unnecessary requests. This amendment will reduce the Department's and regulated community's burden and costs and allow the Department to evaluate a new species potential impact to ecosystems in Arizona should they escape or be released. In addition, the rule is amended to require the game farm license holder to ensure their facility is inspected by a licensed, practicing veterinarian. This is done to ensure licensees establish relationships with cooperating veterinarians so that basic medical services are provided to wildlife held under the license and prompt medical attention is provided to injured wildlife.

For R12-4-421 Wildlife Service License, the objective of the rule is to establish requirements that allow a person to facilitate the removal of nuisance wildlife, to include authorized activities, wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and resources. The rule is amended to prohibit the possession of wildlife carcasses or parts as this practice is not consistent with the intent of the rule.

For R12-4-422 Sport Falconry License, the objective of the rule is to establish requirements that allow a person to take and use raptors listed under the MBTA for the sport of falconry, to include authorized activities, raptor species, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife habitat and resources. The rule is amended to reference the definition of "resident" under A.R.S. § 17-101 to increase consistency between Title 17 and Commission rules. The rule is amended to require the license holder to remove "any other falconry equipment" prior to releasing a raptor to help ensure the health and safety of purposely released falconry raptors. The proposed amendment clarifies that a license holder shall only transfer a raptor to a person who possesses an appropriate license to ensure consistency between rules within Article 4. The rule is amended to prohibit a falconer from transferring permit tag and quota regulated raptor species to out-of-state falconers within one-year of the date of capture. Under 50 C.F.R. 20.29(b)(1)(iii), a state's rules may be more restrictive than the federal regulations; however, state rules must comply with the federal regulations in that state rules may not be less restrictive. Under 50 C.F.R. 20.29(e)(6)(ii) the license holder is required to report the theft of a raptor to the State and USFWS Regional Law Enforcement office within 10 days of the theft of the bird. The proposed rule is more restrictive in requiring a license holder to report the theft to the Department within 48 hours of discovering the theft. Under R12-4-102, all wildlife is state property. While a licensed falconer may possess a raptor, the raptor does not belong to the falconer. The Commission believes the theft of state property should be reported as soon as possible to allow the Department to take timely action.

For R12-4-423 Wildlife Rehabilitation License, the objective of the rule is to establish requirements that allow a person to rehabilitate and release live wildlife, to include authorized activities, wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife habitat and resources. The rule is amended to reduce the amount of time in which the results of the required license examination remain valid from five years to three years. This change allows for the examination to be updated on a more regular basis to include recent changes in procedures and also replicates the length of the licensing period. The rule is amended to require an applicant to disclose how they intend to euthanize wildlife to ensure the license holder uses the most humane methods. The rule is also amended to eliminate the Department's responsibility to provide continuing education courses for licensees and expands the options for continuing education courses that are applicable to their license renewal. Few license holders choose to participate in the Department's biennial education sessions and instead utilize other sources to obtain mandatory continuing education. The Department expends considerable resources to prepare and provide education sessions to license holders. With each passing year and as acceptable online classes become increasingly available, attendance at the Department's continuing education courses has dwindled to the point that it does not benefit the

Department or regulated community to continue providing these education courses. The rule is amended to require an applicant to submit an affidavit affirming the applicant is either a licensed, practicing veterinarian or the applicant has access to a licensed, practicing veterinarian who is reasonably available to give veterinary services as necessary to facilitate rehabilitation of wildlife. In addition, the rule is amended to require the game farm license holder to ensure their facility is inspected by a licensed, practicing veterinarian. These amendments are done to ensure licensees establish relationships with cooperating veterinarians so that basic medical services are provided to wildlife held under the license and prompt medical attention is provided to injured wildlife. This is done to ensure licensees establish relationships with cooperating veterinarians so that basic medical services are provided to wildlife held under the license and prompt medical attention is provided to injured wildlife.

For R12-4-424 White Amur Stocking and Holding License, the objective of the rule is to establish requirements that allow a person to possess and transport white amur, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife habitat and resources. The rule is amended to revise the definition of "triploid" to reflect language used by modern fishery biologists. The rule is amended to clarify the activities authorized under the license include stocking, holding, and restocking. The rule is amended to require an applicant to conduct an assessment of the impacts to sensitive species using the Department's Environmental Review On-Line Tool to further assess the impacts any authorized activity will have on existing wildlife species. The rule is also amended to establish a protocol for disease control as this is a priority within the Department and to increase consistency between rules within Article 4. In addition, the rule is amended to establish the Department's ability to perform inspections of the stocking location.

For R12-4-425 Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments, the objective of the rule is to establish administrative compliance requirements for the continued possession and use of wildlife lawfully possessed prior to being classified as restricted live wildlife under R12-4-406. The Commission restricts certain wildlife species from possession as pets in Arizona because they pose a threat to native fish, wildlife, agriculture, or public health and safety. The rule requires a person who lawfully possessed wildlife prior to being classified as restricted live wildlife under R12-4-406 to notify the Department of the possession and use of the wildlife. The rule is amended to require a person to specifically identify wildlife possessed under the rule in the written notification to ensure the Department is better able to monitor possession. The rule is amended to require a person to permanently mark wildlife possessed under the rule to allow the Department to better identify wildlife held under the rule in the future. The rule is amended to restrict the propagation of live wildlife lawfully possessed under the rule. The Commission believes restricted wildlife should not be possessed as pets and allowing a person to propagate wildlife held under the rule goes against the intent of R12-4-406. The rule is also amended to require a person who possesses any offspring prior to the effective date of this amendment to report any currently held offspring in order to maintain the exemption established under this Article. In addition, the rule amended to replace "designated Department employee" with "Department" to prevent the impression that only a specific designated employee may request documentation.

For R12-4-426 Possession of Primates, the objective of the rule is to establish requirements for the possession of a primate, to include containment, transportation, reporting, and laboratory testing requirements should a bite or other incident occur; and restrictions and prohibitions necessary to protect public health, safety, and welfare. The Commission believes the current rule is too lenient and, despite amendments made in 2006, primates held as pets continue to expose the public to potential pathogenic organisms and physical injury. The rule is amended to restrict possession of primates to zoo license holders, research facilities, and persons exempt under R12-4-425. The rule is amended to include additional zoonotic diseases to ensure the regulated community is aware of the various testing requirements. The rule is amended to require a person to transport a primate in a secure cage, crate, or carrier to reduce the risk of escaping and threat to public health, safety, and welfare. The rule is amended to replace the terms "Director" and "Director's designee" with "Department" to prevent the impression that only the Director or a specific designated employee may request documentation. The rule is also amended to allow a zoo license holder or person using primates at a research facility that possesses a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms to use procedures recommended by the American Association of Zoo Veterinarians (AAZV) or Centers for Disease Control (CDC). The procedures recommended by AAZV and CDC are more stringent than the procedures established under this rule. In addition, the rule is amended to require a person lawfully possessing a primate under R12-4-425 to comply with captivity standards established under R12-4-428, as applicable, to ensure the animal's physical and psychological needs are met.

For R12-4-427 Exemptions from Requirements to Possess a Wildlife Rehabilitation License, the objective of the rule is to establish criteria allowing a person to possess and care for specific live wildlife species without having to apply for and obtain a wildlife rehabilitation license, to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect wildlife habitat and resources. The rule is amended to replace "Wildlife of Special Concern" with "Species of Greatest Conservation Need" to ensure consistency in language within Article 4.

For R12-4-428 Captivity Standards, the objective of the rule is to establish the minimum standards for living spaces, furnishings, dietary needs, veterinary care, and social groupings to ensure the humane treatment of animals possessed under a lawful exemption or special license issued by the Department. The rule is amended to require the facility and holding environment for the captive wildlife is structured to reasonably promote the psychological well-being of the animals to mirror federal and state importation requirements applicable to by dealers, research facilities, exhibitors, operators of auction sales, carriers, and intermediate handlers under 9 C.F.R. 3.81. The environment must contain sufficient useable space, complexity, and enrichment and promote a species-appropriate repertoire of behaviors. When applicable, social housing should be the general rule and individual housing should be the exception. In addition, the rule is amended to remove the requirement that all special license holders ensure their facility is inspected by a licensed, practicing veterinarian as this requirement places an undue burden on license holders who possess small holdings. This requirement will be added to the private game farm, game bird, zoo, and rehabilitation license rules.

For R12-4-430 Importation, Handling, and Possession of Cervids, the objective of the rule is to establish

requirements for the importation, handling and possession of captive cervids necessary to prevent the transmission of disease from captive cervids to wildlife and domestic animals, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to clarify cervid species governed by the rule. The rule is amended to reference R12-4-305, which establishes requirements for transporting cervid carcasses or parts from a private game farm or another state. The rule is also amended to clarify disease testing requirements to reflect current methods and the state of science regarding cervid diseases. In addition, the rule is amended to expand disease testing options to reduce the Department's and regulated community's burden and costs.

7. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The following studies may be viewed at the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086:

"Brucellosis in Greater Yellowstone Area: Disease Management at the Wildlife-Livestock Interface" Brant A. Schumaker, Danelle E. Peck, Mandy E. Kauffman: Review of the current status of bovine brucellosis in the Greater Yellowstone Area; describes the suite of management activities currently being implemented; and discusses a few economic principles that can help society identify the optimal level of brucellosis control and achieve it at least cost.

"Bovine Tuberculosis in Free-ranging White-tailed Deer from Michigan" Stephen M. Schmitt, Scott D. Fitzgerald, Thomas M. Cooley, Colleen S. Bruning-Fann, Larry Sullivan, Dale Berry, Thomas Carlson, Richard B. Minnis, Janet B. Payeur, James Sikarskie: Review of occurrence of bovine tuberculosis in free-ranging cervids in North America where the disease is being maintained in the deer population without infected livestock involvement.

"Disease and Winter Feeding of Elk and Bison: A Review and Recommendations Pertinent to the Jackson Bison and Elk Management Plan and Environmental Impact Statement" Bruce L. Smith: Review exploring the relationships between winter feeding of elk and bison and certain existing and potential diseases of those populations; how winter feeding of elk and bison affects transmission, prevalence, and impacts of brucellosis and potentially chronic wasting disease (CWD) National Elk Refuge and Grand Teton National Park elk and bison.

"Dynamics of Bovine Tuberculosis in Wild White-tailed Deer in Michigan" Graham J. Hickling: Analysis of data on bovine tuberculosis infection of wild white-tailed deer in the Lower Peninsula of Michigan to quantify the geographic spread of tuberculosis in deer in Michigan; investigate key factors influencing the prevalence of disease in the core of the infected area; and interpret the results in light of overseas experience with wildlife tuberculosis, with a view to recommending how current management of the disease might be enhanced.

"Evaluation of New Strategy for Control of Bovine Tuberculosis in Michigan White-tailed Deer: Progress Report - Year 1" Stephen Schmitt, Daniel O'Brien, Brent Rudolph, Elaine Carlson, Dave Smith, Zachary

Cooley, Graham Hickling, Graham Nugent, Peter Buchko: Summary of results of a one-year pilot trial of strategy to eliminate bovine tuberculosis in free-ranging deer through increased hunting pressure and to restrict supplemental feeding and baiting activities that encourage deer to congregate undertaken by Michigan Department of Natural Resources.

"Movement Patterns and Behavior at Winter Feeding and Fall Baiting Stations in a Population of White-tailed Deer Infected with Bovine Tuberculosis in the Northeastern Lower Peninsula of Michigan": Mark Stephen Garner: Dissertation to analyze the effect winter feeding and baiting have on face to face (F2F) contact for white-tailed deer populations and make recommendations for managing the bovine tuberculosis outbreak for white-tailed deer in Michigan.

"Detection of Sub-Clinical CWD Infection in Conventional Test-Negative Deer Long after Oral Exposure to Urine and Feces from CWD Positive Deer": Nicholas J. Haley, Candace K. Mathiason, Mark D. Zabel, Glenn C. Telling, and Edward A. Hoover: Abstract investigates whether conventional test-negative deer, previously exposed orally to urine and feces from CWD positive sources, may be harboring low level CWD infection not evident in the 19 month observation period.

"Health Surveillance of Translocated Wild Animals, Sainsbury": A.W., Institute of Zoology, Zoological Society of London. Dissertation addresses risk of translocating captive-bred animals, or species that have been present in a different geographic range or ecosystem.

"Management Protocols for Animals in Captive Propagation and Reintroduction Programmes": S.K. Mikota and R.F. Aguilar. Abstract addresses management issues related to maintaining populations of endangered species in captivity and presents standardized protocols for evaluation of the health status of captive animals intended for release.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

Overall, the Commission believes the amendments proposed in this rulemaking result in rules that are either less burdensome or have no significant impact on the regulated community. The Commission believes the general public and the Department benefit from the proposed rulemaking through clarification of rule language governing the lawful possession of live wildlife.

For R12-4-401 Live Wildlife Definitions, definitions alone have no impact on the Department or regulated community; enforcement of the rule manifests itself through proper administration. It is not the term that is cited, but the violation. Thus, the Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community. In general, the amendments to R12-4-401 are intended to clarify or establish definitions for terms that are used in this Article. Definitions that are clearer will make the rules more understandable.

For R12-4-402 Live Wildlife; Unlawful Acts, the Commission anticipates the proposed amendments will impact persons who possess and hold wildlife in a manner that threatens public health, safety, or welfare, or

wildlife populations. Based on recent history, the impact is expected to be negligible. By allowing the Department to take actions intended to alleviate threats to public health, safety, or welfare or wildlife populations, the Commission anticipates the proposed amendments will benefit members of the public who may otherwise be exposed to these threats. The Commission anticipates the proposed amendments will benefit the Department and licensed wildlife sanctuaries, which currently bear the costs associated with seizure operations. This amendment will allow the Department to recoup costs from the individual or businesses that hold the wildlife in a manner that threatens public health, safety, or welfare, or wildlife populations.

For R12-4-403 Escaped or Released Wildlife, the Commission anticipates the proposed amendments will impact special license holders and owners by requiring the license holder or owner to bear the expense for the animal's care; however, the Commission believes it is a reasonable economic burden. The cost of maintaining an exotic pheasant for a week (~\$5) is much less than the expense of maintaining an African lion (~\$150). However, both are costs the license holder or owner would have had to expend regardless of whether it was in their possession, the Department's, or a wildlife sanctuary.

For R12-4-404 Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License, the Commission anticipates the proposed amendments will impact persons who possess wildlife taken under an Arizona hunting or fishing license by prohibiting propagation of restricted wildlife. In addition to the cost of a veterinary office visit, which may be anywhere from \$42 to \$100, costs to spay or neuter an animal may be incurred. They are difficult to quantify as the cost varies greatly depending on the species and required after-care. However, compliance may also be achieved at no cost by keeping males and females separated or by possessing only male or female animals. Veterinarians who provide spay and neuter services will benefit from the prohibition on propagation. Persons who use reptiles or amphibians to provide aversion training may benefit from the rulemaking. Typically, a business may charge anywhere from \$60 to \$125 for the initial aversion training sessions and \$30 to \$50 for a 'recheck.' While the use of legally acquired reptiles and amphibians for aversion training is already legal, clarifying this in rule may result in additional customers for businesses that offer aversion training for dogs.

For R12-4-405 Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit, the Commission anticipates the proposed amendments will impact persons that import wildlife into Arizona by requiring a valid health certificate for the animal being imported. Based on recent history, costs are expected to be insignificant as a health certificate may be obtained from a licensed veterinarian for \$42 to \$100. The amendment is intended to assist in alleviating potential threats to public health, safety, or welfare, and to promote the health and welfare of Arizona's wildlife populations. The Commission anticipates the proposed amendment will benefit members of the public, who may otherwise be exposed to these threats, from the requirement that a person obtain a health certificate for an animal before importing mammals, birds, or reptiles into Arizona.

For R12-4-406 Restricted Live Wildlife, the Commission anticipates the proposed amendments will impact persons and businesses that sell the live wildlife that the Commission proposes to add to the list of restricted live wildlife as they will no longer be able to sell Red Shiner, four tilapia species (*Oreochromis aureus*, *O.*

mossambica; *O. niloticus*, *O. urolepis hornoru*, and *O. zilli*), Chinese mystery snail, apple snail, false dark mussels, non-human primates to the public. When adding or removing a species from the restricted wildlife list, the Department bases its decision on the following factors: protection of human health and safety; biological impact on species and ecosystems; consistency with federal, state, and county regulatory agencies; and potential economic impact.

For R12-4-407 Exemptions from Special License Requirements for Restricted Wildlife, the Commission anticipates the proposed amendments will impact persons and businesses that provide veterinary care or facilities certified for waste disposal. Based on recent history, costs are expected to be insignificant as a health certificate may be obtained from a licensed veterinarian for \$42 to \$100. This requirement already exists through the Arizona Department of Agriculture and has been added to this rule because it addresses the exemptions related specifically to the importation of wildlife. While the need to dispose of wildlife that dies while in transport through the state is not a common occurrence, the potential for the spread of disease to wild populations exist when a deceased animal is illegally dumped in wildlife interface locations. The Department wishes to direct these individuals to certified waste disposal facilities. Since this requirement is isolated to certain situations the costs associated with it are minimal. The changes related to the propagation of desert tortoises may increase costs to the Department due to law enforcement and administration. However, these same costs already exist and will be offset by the reduction in costs associated with caring for the surplus of tortoises in the tortoise adoption program.

For R12-4-408 Holding Wildlife for the Department, the Commission anticipates the proposed amendments will impact persons who hold wildlife for the Department as they will bear the expense for the animal's care until it is placed in a permanent home. However, the Commission believes it is a reasonable economic burden. Costs vary greatly depending on the species, its physical condition, and housing requirements.

For R12-4-409 General Provisions and Penalties for Special Licenses, the Commission anticipates the proposed amendments will impact special license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically ensuring special license procedures include revocation guidelines, outweighs any costs. The Commission anticipates a person possessing wildlife under special license may incur costs associated with the housing and veterinary requirements. However, the licensee will be advised of these responsibilities during the application process. In general, the amendments to the rule will require additional communication, verbal or electronic, between the licensee and the Department and some may incur minor costs associated with this requirement. The public benefits from a rule that provides the general provisions relating to administrative compliance, licensing requirements, and penalties applicable to all special licenses issued by the Department. The Commission believes that providing general provisions in one overarching rule ensures consistency between special license rules. Furthermore, the Commission anticipates the administrative changes will result in a more efficient process that benefits both the Department and the regulated community.

For R12-4-410 Aquatic Wildlife Stocking Permit, the Commission anticipates the proposed amendments will impact aquatic wildlife stocking license holders and the Department. Amendments to the rule requires

applicants to further examine the potential for adverse impacts of stocking on existing wildlife species in the proposed area, provide additional information about the proposed stocking location, and possess the license when conducting stocking activities and present it to a Department employee or agent upon request to ensure compliance with requirements prescribed under A.R.S. § 17-331. There is no fee for this license and the Department issues approximately 161 Aquatic Wildlife Stocking permits on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-411 Live Bait Dealer's License, the Commission anticipates the proposed amendments will impact live bait dealer license holders and the Department. Consumers wanting to purchase Red Shiner for use as a baitfish will no longer be able to purchase this species. However, there are other baitfish permitted for sale by dealers and anglers will be able to continue to catch Red Shiners for on-site use only. Currently, no registered live bait dealers offer Red Shiners for sale as a baitfish, so the economic impact for suppliers and consumers will be minimal. The Department issues approximately 28 Live Bait Dealer's licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-412 Special License Fees, the Commission anticipates the proposed amendments will impact all special license holders and applicants. The Commission does not anticipate a person who possesses a special license or an applicant for a special license will incur any additional costs as a result of the proposed amendments.

For R12-4-413 Private Game Farm License, the Commission anticipates the proposed amendments will impact private game farm license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife for the principal purpose of protecting native wildlife species, outweighs any costs. The Department issues approximately 13 Private Game Farm licenses on an annual basis. The Commission anticipates a person possessing wildlife under this rule may incur minor costs associated with the requirement for submitting an annual report even when allowed activities have not occurred under the license.

For R12-4-414 Game Bird Shooting Preserve License, the Commission anticipates the proposed amendments will impact game farm shooting preserve, game bird field trial, game bird field trial training, and game bird hobby license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically consolidation of licenses into one rule and enhanced reporting procedures outweighs any costs. The Department issues approximately 7 Game Bird Shooting Preserve licenses, 42 Game Bird Field Trial licenses, 128 Game Bird Field Trial Training licenses, and 65 Game Bird Hobby licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-417 Wildlife Holding License, the Commission anticipates the proposed amendments will impact wildlife holding license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically allowing the license holder to use an agent, allowing an applicant to submit

photographs and/or a certification issued by an institutional animal care and use committee or similar committee, result in a reduction of the burden and costs placed on the regulated community. There is no fee for this license and the Department issues approximately 151 Wildlife Service licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-418 Scientific Collecting Permit, the Commission anticipates the proposed amendments will impact scientific collecting license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically improving the administrative aspects of the license, providing a mechanism to restrict location of activities, and requiring proper disposal in the regulation of live wildlife and their parts for the principal purpose of protecting native wildlife species, outweighs any costs. There is no fee for this license and the Department issues approximately 312 Scientific Collecting permits on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur any additional costs as a result of the proposed amendments.

For R12-4-420 Zoo License, the Commission anticipates the proposed amendments will impact zoo license holders and the Department. Commission believes the benefits of the amendments outweigh these minor costs and is not an undue burden. Requiring a new zoo license applicant to submit photographs with their application if they are not affiliated with a national accreditation association, could result in minor costs. If an applicant does not possess a camera to take the photographs, they would either need to borrow, purchase, or pay an individual to take the required photos. Costs range from less than \$15 for a disposable camera to \$60 for a low end digital camera. Alternatively, a photographer could be hired to shoot the photos for \$150 to \$200. If an applicant does not submit their license application electronically they would have to provide paper photographs at a cost of approximately .20¢ per photo. The number of paper photos needed would depend on the size of zoo and could range from 10 (\$2.00) to 100 (\$20.00). The Department issues approximately 19 Zoo licenses on an annual basis.

For R12-4-421 Wildlife Service License, the Commission anticipates the proposed amendments will impact wildlife service license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife and their parts for the principal purpose of protecting native wildlife species, outweighs any costs. There is no fee for this license and the Department issues approximately 118 Wildlife Service licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur any additional costs as a result of the proposed amendments.

For R12-4-422 Sport Falconry License, the Commission anticipates the proposed amendments will impact sport falconry license holders and the Department. In general, the Commission believes the benefits from the proposed amendments, specifically improving the administrative aspects of the license and restricting Arizona license holders from transferring species managed through Commission Order or annual harvest quota system to a falconer in another state for at least one year from the date of capture, outweighs any costs. Furthermore, the Commission anticipates the administrative changes will result in a more efficient process that benefits both the

regulated community and the Department. The Commission does not anticipate a person possessing a falconry license under this rule will incur any additional costs or undue regulation as a result of the proposed amendments. The Department issues approximately 31 Sport Falconry licenses on an annual basis.

For R12-4-423 Wildlife Rehabilitation License, the Commission anticipates the proposed amendments will impact wildlife rehabilitation license holders and the Department. The Commission believes there are no anticipated costs to license holders in regards to shortening the expiration date of the license examination results and cessation of providing medical care at the Department's facility. License holders who are not practicing acceptable euthanasia techniques will be required to comply. The most acceptable, quick, and humane method is the use of carbon monoxide in a suitable chamber, costing approximately \$150. The few license holders who participate in the continuing education courses offered by the Department would be required to find alternative sources. In some cases there may be no cost for hands-on learning, costs for local or online seminars may range from approximately \$50-\$100, and costs for an out-of-state conference may cost \$1,000 or more to attend. There is no fee for this license and the Department issues approximately 11 Wildlife Rehabilitation licenses on an annual basis.

For R12-4-424 White Amur Stocking and Holding License, the Commission anticipates the proposed amendments will impact white amur stocking and holding license holders and the Department. Because no substantive amendments are proposed, the Commission anticipates the impacts on the regulated community will be insignificant. There is no fee for this license and the Department issues approximately 413 White Amur Stocking and Holding licenses on an annual basis.

For R12-4-425 Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments, the Commission anticipates the proposed amendments will impact persons who lawfully possess wildlife that subsequently became restricted and the Department. In general, the Commission believes the benefits of the proposed amendments, specifically taking a stronger stance in the regulation of live wildlife for the principal purpose of protecting native wildlife species, outweighs any costs. The Commission anticipates a person possessing wildlife under this rule may incur minor costs associated with the requirement that a person permanently mark the animal with a tattoo, microchip, or other means. Costs are expected to be insignificant and may be obtained from a licensed veterinarian. In addition to the office visit, which may cost anywhere from \$42 to \$100, costs to mark the animal with a tattoo or microchip range anywhere from \$30 to \$50. In addition, the Commission anticipates a person may incur minor costs to spay or neuter the animal due to the prohibition on propagation. Costs to spay or neuter an animal are difficult to quantify as the cost varies greatly depending on the species and required after-care. However, compliance may also be achieved at no cost by keeping males and females separated or by possessing only male or female animals. Veterinarians who provide spay and neuter, microchip or tattooing services will benefit from the requirements that a person permanently mark the animal and the prohibition on propagation.

For R12-4-426 Possession of Primates, the Commission anticipates the proposed amendments will impact persons who lawfully possess primates. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife for the principal purpose of ensuring the

public's health and safety and protecting native wildlife species, outweighs any costs. The Commission anticipates a person possessing wildlife under this rule may incur minor costs associated with the requirement that a person permanently mark the animal with a tattoo, microchip, or other means as a result of restricted status. Costs are expected to be insignificant and may be obtained from a licensed veterinarian. In addition to the office visit, which may cost anywhere from \$42 to \$100, costs to mark the animal with a tattoo or microchip range anywhere from \$30 to \$50. Veterinarians who provide spay and neuter, microchip or tattooing services will benefit from the requirements that a person permanently mark the animal and the prohibition on propagation.

For R12-4-427 Exemptions from Requirements to Possess a Wildlife Rehabilitation License, the Commission anticipates the proposed amendments will impact persons who temporarily hold orphaned or injured wildlife and the Department. The Commission believes the proposed amendments are nonsubstantive and will not have a significant impact on the regulated community.

For R12-4-428 Captivity Standards, the Commission anticipates the proposed amendments will impact persons who hold wildlife under a special license and the Department. The cost of ensuring the captive environment is minimally enriching are difficult to quantify as the cost varies greatly depending on the species and existing conditions. Modifications could range from simple changes in daily procedures, to changes in the enclosures costing hundreds to thousands of dollars. The Commission believes the benefits of the amendments, specifically ensuring license holders consider the psychological well-being of their animals, outweighs any costs.

For R12-4-430 Importation, Handling, and Possession of Cervids, the Commission proposes to amend the rule to require special license holders lawfully possessing cervids to submit tissues from any cervid over one-year of age that die or are killed or slaughtered for testing for CWD. This requirement is comparable to the requirements for herd certification programs for farmed cervids in other states. The Department pays the costs of collecting the sample and testing it for the presence of CWD by a laboratory certified by the National Veterinary Services Laboratory and United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS). If the proposed amendment is approved, the sample must be collected by a licensed veterinarian or the Department and then submitted to a USDA APHIS certified laboratory; there are 28 approved diagnostic laboratories nationwide. The license holder may pay the cost of sample collection, shipping, and testing. The Department does not charge a fee to remove a sample. The Commission anticipates the proposed rule will not have a significant impact on the regulated community because they are already required to test all cervids that die while in their possession. In addition to the cost for testing, a laboratory may charge a submission fee of \$7 to \$10. The average fee for an immunohistochemistry is \$35 and for enzyme linked immunosorbent assay is \$25; typically only one test is required. Currently, the Department licenses one private game farm to possess cervids. Reports submitted by the private game farm indicate approximately 22 animals die or are killed or slaughtered on an annual basis. If all of these animals were over one-year of age, the Commission estimates costs for testing would range from \$550 to \$770. Shipping costs vary greatly depending on the shipping company and delivery date. The closest APHIS approved diagnostic laboratory is located in

Colorado; typical shipping costs are under \$20. The Department would realize a reduction in costs due to the license holder being responsible for shipping and testing the samples, an approximate savings of \$600 annually.

The Commission's intent in proposing these amendments is to protect native wildlife and their habitats in many ways, including preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and avoiding conflict between humans and wildlife which may threaten public health or safety. The Commission anticipates the majority of the rulemaking is intended to benefit the regulated community, members of the public, and the Department by clarifying rule language to ease enforcement, creating consistency among existing Commission rules, reducing the burden on the regulated community where practical, and allowing the Department additional oversight where necessary. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions; or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Other than the regular cost of rulemaking, there are no costs associated with the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

R12-4-401 was revised to incorporate by reference the most recent version of 50 C.F.R. 17.11.

R12-4-404(B) was revised to remove "photograph" from the list of authorized noncommercial use and a new subsection (I) was added as a result of comments received, which indicated clarification was required in regards to when a special license is required to photograph wildlife.

R12-4-406(C) was revised to remove threatened and endangered species as restricted live wildlife as a result of comments submitted by persons who possess and propagate species under a federal permit. The proposed rule would have required those persons to obtain a Department permit and would have prohibited those persons from propagating their lawfully held wildlife.

R12-4-406(L) was revised to remove the reference to wildlife defined under A.R.S. 17-101 as a result of comments received, which indicated clarification was required.

R12-4-407(A)(12) is added to clarify that medical and scientific research facilities, regardless of whether they are licensed by the U.S. Department of Agriculture, are exempt from special licensing requirements when working with transgenic fish, mice, or rats.

R12-4-421(B) was added as a result of comments received, which indicated clarification was required to identify what species of animal do not require a wildlife service license and may be removed under a license issued by the Department of Agriculture.

In addition, minor grammatical and style corrections were made at the request of the Governor's Regulatory Review Council staff.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency

response to the comments:

The Department received 91 public or stakeholder comments in response to the proposed rulemaking; of those comments, thirty-three were unique comments, one was a copy of a letter sent to U.S. Fish and Wildlife Service in response to a federal proposed rule, and all others were either one of two form letters, or a combination of the two form letters. Copies of original written comments were provided to the Commission for their consideration. The table below provides a summary of the public or stakeholder comments and the agency's response.

General Article 4 Comments	
What means of permanently-marking animals are proposed?	The unique identifier need not be applied by the owner. Microchips, ear-tags, or tattoos may be applied by a veterinarian or an individual hired by the owner for that purpose. Depending on the method, the expense may be as little as less than \$10 to \$30 for a microchip. A sedation fee may also be required for some animals depending on the animal and the method chosen. However, owners have the option of waiting until directed to permanently mark an animal by the Department; those persons must have proof the animal was possessed before the date on which the species was added to the restricted list.
The rule should allow a license holder to transfer bird remains to a USFWS feather repository.	The Department does not have the authority to incorporate this suggestion. Repositories are operated and managed by the Office of Law Enforcement, U.S. Fish and Wildlife Service; its purpose is to provide a central location for the receipt, storage and distribution of bald and golden eagle carcasses and their parts throughout the United States. The eagle carcasses, and their parts, are shipped to Native Americans and Alaskan Natives enrolled in federally recognized Tribes for use in Indian religious ceremonies.
The rulemaking does not list any scientific evidence after the assertions justifying the needs for the proposed rulemakings.	The Notice of Proposed Rulemaking did not reference "scientific evidence;" however, item 7 of this rulemaking document (and item 6 of the Notice of Proposed Rulemaking) provides a list of studies relevant to rules that the Department reviewed in its evaluation

	of, or justification for, the Article 4 rules.
The rule should not require a license for those persons who only wish to seek out and photograph the animals, even when some momentary manipulation of an animal is necessary to ensure a good photograph. Allow a person to keep a reptile for an extended period of time, such as overnight or permanently as a pet, under a valid hunting license.	The public can photograph wildlife in the wild and sell those photographs or videos without possessing a special license, provided the person did not take or possess the wildlife under a hunting or fishing license in order to acquire the photograph or video. If take or possession (even momentary manipulation) of an animal is necessary to obtain a photograph or video intended for commercial purposes, a wildlife holding license is required. A.R.S. § 17-331(A) states, "Except as provided by this title or commission order, a person shall not take any wildlife in this state without a valid license or a commission approved proof of purchase." A person who wishes to take a reptile, either overnight or permanently, is required to possess a valid hunting license and is subject to the bag limits and restrictions established under Commission Order 41.
The Department should promote education on properly maintaining the most commonly kept reptiles such as geckos, non-venomous snakes, frogs, lizards, tortoises, and turtles and expand the Department's website to include common health and safety tips, perhaps a listing of veterinarians that deal with "exotic" animals, local organizations that can assist them with their questions, etc.	Under A.R.S. Title 17, the Commission is charged with adopting rules and establishing services deemed necessary to carry out the provisions and purposes of the Title; establishing broad policies and long-range programs for the management, preservation and harvest of wildlife; and establishing hunting, trapping and fishing rules and prescribe the manner and methods that may be used in taking wildlife. Educating the public on maintaining commonly kept reptiles and amphibians (either exotic or native) and providing a list of veterinarians and local organizations is better left to the pet industry.
How would a resident, who keeps non-regulated, captive-bred exotic snakes, be affected by the proposed rules as written?	The proposed amendments do not affect persons who keep legally acquired, non-regulated, captive-bred exotic snakes.
R12-4-401. Live Wildlife Definitions	

<p>The term health certificate is a very vague statement and should be clarified.</p>	<p>The Department believes the proposed definition is sufficient.</p>
<p>The existing term “personal use” should be removed from the rule, as well as the same term not being replaced with “noncommercial use.” The addition of the term “noncommercial use” would limit activities already allowed under the rule. For example, photographs of legally-held wildlife that are intended to be sold or to be used in a field guide would be in violation of the proposed rule. In addition, R12-4-404(B) already defines the commercial activities that are not allowed. Both terms are redundant, ambiguous, and confusing.</p>	<p>To ensure that special licenses issued by the Department are properly administered and used by the applicant solely for their intended purposes, the Department determined it is necessary to clearly differentiate between commercial and non-commercial activities that utilize wildlife. This differentiation between commercial and non-commercial is necessary to ensure the Department can protect all native species from commercial sale, exploitation, and other activities that could negatively impact wild populations. Restricted wildlife taken and held under a hunting or fishing license is managed as a non-commercial activity. Should an individual intend to sell photographs or videos of restricted wildlife species, the person would need to apply for a wildlife holding license, which allows for stipulated commercial activities. The public can photograph wildlife in the wild and sell those photographs or videos without possessing a special license, provided the person did not take or possess the wildlife under a hunting or fishing license in order to acquire the photograph or video. If take or possession of the restricted species is necessary to obtain a photograph or video intended for commercial purposes, a wildlife holding license is required. The addition of the term “noncommercial use” does not limit any activities already allowed under the rule. The Department believes it is necessary to define the term "noncommercial use" as it is not self-defining and is necessary to clarify lawful and unlawful activities addressed in the Article 4 rules. R12-4-404(B) establishes the lawful activities that are allowed for personal use.</p>
<p>Define "acquired" and "seized" as they apply to the live wildlife rules.</p>	<p>The Department does not believe defining the terms "acquired" and "seized" is necessary as the normal,</p>

	common meaning of the terms apply.
R12-4-402. Live Wildlife; Unlawful Acts	
Does the rule refer to an injured native animal found on the ground or orphaned live wildlife that the general public may bring to a Department office for help?	The rule applies to all wildlife; both lawfully and unlawfully held wildlife. In order to protect native populations of the state’s wildlife, the Department needs to have the ability to acquire, seize, or euthanize individual animals when deemed necessary. In each case the Department determines the best course of action based on the circumstance and utilizes trained personnel to affect management actions to ensure native population protection and public safety. The Department mandates humane treatment of all wildlife, including those held under special license. Under A.R.S. § 17-102, wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission. Rules guide the public on how to do or how to obtain something; what can happen if something is not done; and sets the standards and limits for the exercise of discretion. Matters concerning only the internal management of an agency which do not directly and substantially affect the procedural or substantive rights or duties of any segment of the public do not belong in rule.
Who determines which animals will be euthanized; what qualifies that person to make that decision; and how is that determination made?	
What method of euthanization does each office use and are the methods used reflect the recommendations outlined in Minimum Standards for Wildlife Rehabilitation.	
The Department should provide more written information, rules, and regulations to the public and all Department personnel and offices as to exactly what circumstances would dictate, and by whose authority, the euthanization of wildlife should occur.	
The rule should include additional language stating the Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it.	
R12-4-404. Possession of Live Wildlife Taken	
Are persons who provide aversion training required to undergo any training, licensing, or permitting process? Is a wildlife holding or scientific collecting license required for this activity?	No a wildlife holding license or scientific collecting license is not required for this activity. Department special license administrator's will review the person's application and, when appropriate, include stipulations regarding training, handling, housing, and care of the

	<p>held wildlife in order to protect the well-being of the wildlife. Persons participating in this activity are currently held to the humane handling, housing, and care standards already established in rule.</p>
<p>The rule should require either a hunting or fishing license for the take of both reptiles and amphibians.</p>	<p>Under Article 2, the Department currently offers a combination hunting and fishing license that is valid for the take of both reptiles and amphibians.</p>
<p>R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit</p>	
<p>The rule should not require mammals, birds, or reptiles imported into this State to be accompanied by the health certificate required under 3 A.A.C. Ch 2, Articles 4 and 6 as most mammals, birds, and reptiles are not included in the definition of “animal” under R3-2-101 and do not require a health certificate according to the referenced code. The proposed rule addresses animals intended to be held as captive pets, which are not releasable under existing rules and should have little impact on wild populations. In addition, requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and result in a huge economical impact on the pet industry. The proposed rule would have the unintended result of damaging the industry to a point that it could end the legal trade in pet reptiles.</p>	<p>Many individuals, who provided comments on the Department’s proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture’s rules. The Department’s proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, “all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin”. Under the Department of Agriculture rule “animal” is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department.</p> <p>The Department of Agriculture’s requirement is not new</p>

	<p>and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. Please note this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.</p>
<p>The rule should exempt reptile owners from veterinary testing as there are few veterinarians who are qualified to conduct health certificate testing.</p>	<p>The proposed rulemaking does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.</p>
<p>The proposed amendment that requires a health certificate for imported live animals will result in a devastating financial burden to business conducted at local reptile and amphibian shows, pet stores, and interstate purchases.</p>	
<p>Does the proposed amendment require a person vacationing in Arizona to get a health certificate for their family pet?</p>	<p>Health certificates are required for animals entering or traveling through Arizona, this includes pets (psittacine birds, dogs, cats, and mammals not regulated as restricted wildlife by the Department of Game and Fish).</p>
<p>The current rule prohibits the sale of native wildlife by Arizona citizens, but an out-of-state person holding a valid scientific collecting license is able to collect and then transport these animals to their home state to propagate and sell them.</p>	<p>The scientific collecting license does not allow a person to collect, transport, and sell wildlife. A scientific collecting permit is issued to a person for the purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare.</p>
<p>The proposed amendment that requires a license in order to own certain fish like Tilapia, prohibits the</p>	<p>This amendment is necessary to protect the native wildlife species of Arizona. The importation and release</p>

<p>right and ability to start a fish farming business, and the ability to buy and sell Tilapia.</p>	<p>of live fish within the state is a highly regulated activity and it is the Department's responsibility to ensure this activity is done without any repercussions to other wildlife species. The addition of Tilapia to the restricted wildlife list will not prohibit an individual's ability to start their own fish farm or commercial fish farming business. With this addition, a person who wants to start their own backyard or commercial Tilapia aquaculture business will be required to apply for an Aquatic Stocking Permit and obtain approval before importing and stocking fish in their backyard pond or facility. The purpose of the amendment is to minimize the risk of Tilapia being illegally introduced into Arizona's waterways, where they may impact sport and native fisheries managed by the Department. In addition, the requiring a person to apply for and obtain this permit is consistent with the existing license requirements on aquaculture facilities in Arizona. Currently, if a person intends to start an aquaculture business, they must have an Aquaculture Facility License issued by the Arizona Department of Agriculture (the agency that governs aquaculture in Arizona. The application form for this license is available on their website at https://agriculture.az.gov/aquaculture-facility-license-application.</p>
<p>A health certificate does not guarantee the health of the animals listed thereon, only that an accredited veterinarian has examined them and signed that they appear to be "free from visible signs of infectious or communicable diseases." Such a cursory review cannot tell if the animal has a disease or parasite.</p>	<p>The Department agrees that a health certificate in itself does not guarantee that the animal is free of disease, only that the animal appears to be healthy and free of infectious, contagious, and communicable diseases. However, the Department believes the involvement of a veterinarian should reduce the probability that an overtly diseased animal is imported into the State and that the person possessing the animal is provided information regarding zoonotic diseases. The Mexican wolves released into eastern Arizona are managed under a</p>
<p>The current rule prohibits the release of captive wildlife in order to prevent introduction of non-native species and disease into wild populations.</p>	

How is a visual inspection from a veterinarian going to prohibit the actions of an irresponsible keeper? And how will it detect a virus or bacterial infection?	comprehensive health program that includes testing, vaccination, and/or treatment for viral, bacterial, and parasitic diseases of concern, including rabies. Please note this rulemaking does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.
The rule should enumerate those species that would require a health certificate and exempt reptiles and other small, inexpensive pet shop type pet species from the health certificate requirement.	
Would markets that sell live aquatic wildlife such as ranid frogs, aquatic turtles, and crayfish be required to have a health certificate for these amphibians if they are sold alive in a market.	Yes, under R12-4-405 a health certificate is required when importing non-restricted amphibians and under R12-4-410 certification that the restricted amphibians are free of diseases and causative agents is required.
Does the Department propose to supply a list of potential zoonotic diseases that each and every species should be tested for?	Zoonotic disease testing is a requirement only for those animals that will come in direct contact with the public, such as animals displayed in a petting zoo. Inclusion of a list of diseases by host species is not appropriate for inclusion in a rule as the list would likely be out-of-date in a relatively short time. While most accredited zoos currently test the animals held in their contact areas on a regular basis, this requirement is necessary, and benefits the public, when the zoo is not implementing the current best management practices.
The rule should provide an exemption for commercial use of road kill reptile skins and possibly other wildlife road kill, if applicable.	A.R.S.§ 17-371(E) states, "heads, horns, antlers, hides, feet, or skin of wildlife <u>lawfully</u> taken, or the treated and mounted specimens thereof, may be possessed, sold and transported at any time..." Wildlife hit by a motor vehicle is not considered to be lawfully taken, with the except of big game meat as prescribed under A.R.S.§ 17-319. This restriction is necessary to protect Arizona's wildlife resources and any change related to it would create a loophole for an individual to possess the parts of wildlife without the necessary evidence of legality (license, tag, seasons, etc). Please keep in mind that in nature, little is ever wasted and there are a host of

	animals that survive by recycling other animals that have died in the wild or on the roadway.
R12-4-406. Restricted Live Wildlife	
The blanket listing of all species federally listed as “endangered or threatened” will not benefit any of the species in question. Rather, it will harm those in U.S. aviculture, and specifically those in aviculture in Arizona, as well as the keepers and breeders of other taxa who legally keep and breed endangered and threatened species as well as those who rely on U.S. aviculturists and keepers and breeders of other taxa for current, correct, and humane assistance in keeping all of their birds and other animals.	Following significant public comment opposing the proposed amendment to restrict federally listed “endangered or threatened” species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.
Prohibiting the keeping and breeding of all “threatened or endangered” species will have no positive effect on these species in the wild. Listing species that are bred in this country only serves to harm them as a whole, by reducing their overall numbers, both captive bred and in the wild, and to ultimately hasten their extinction.	
If the proposed amendment is implemented, will once legally-held animals to be destroyed, turned over to the state, or “grandfathered in?” What of their offspring? Will captive breeding be banned?	The disposition of the once legally-held animals is addressed under R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments. The person must submit written notification to the Department or maintain documentation of the restricted live wildlife held prior to becoming restricted. A person may lawfully possess offspring conceived before and born after becoming restricted. Propagation would not be allowed. If the wildlife is restricted under R12-4-406, a person must possess a special license, and possibly a federal permit, authorizing the propagation of that wildlife.
R12-4-406 and R12-4-425 seem to be in conflict with each other.	

<p>The Department should only regulate non-native species if they are a threat to native wildlife or human health and safety, or if they are being treated inhumanely.</p>	<p>When adding or removing a species from the restricted wildlife list, the Department bases its decision on the following factors: protection of human health and safety; biological impact on species and ecosystems; consistency with federal, state and county regulatory agencies; and potential economic impact.</p>
<p>What rule or directive places the moral or ethical decision of hybridization on the Department?</p>	<p>The Department is concerned transgenic wildlife species could negatively impact native wildlife and their habitats if not cautiously regulated. By restricting transgenic species the Department will have an opportunity to evaluate the potential impact of these species, through the Department's special licensing process, before being imported into the State. The Department is aware of some institutions using transgenic mice and rats for medical or scientific research are not licensed by the U.S. Department of Agriculture and are therefore not exempt per R12-4-407(A)(10). These facilities use a large number of transgenic fish, mice, and rats and complying with the Department's special license requirements would create an unnecessary burden (e.g., tracking deaths and births of these mice and rats). As a result, the Department proposes to exempt these research facilities from special license requirements. Please note, transgenic species do not include natural hybrids (the crossing of two animals through natural reproduction). Only wildlife forms created through genetic manipulation (e.g., transferring genes from one organism into the genome of another) will be restricted. This restriction does not apply to transgenic plants.</p>
<p>Why are transgenic hybrids being restricted? There is no benefit to Arizona, its people, or wildlife in prohibiting pet owners for keeping or producing them.</p>	
<p>Will the rule include all wildlife as restricted wildlife, as well as all aquatic invasive species, or are only the AIS species listed as restricted wildlife. If the latter is the case, why is the term "Wildlife" defined as part of the rule?</p>	<p>The proposed inclusion of aquatic invasive species listed in the Department Director's Order #1, will allow the Department to quickly address invasive species issues as they arise. The restriction is specific to the wildlife species listed under AIS Director's Order #1 Because</p>

	<p>non-wildlife invasive species are listed in the Department Director's Order #1 (e.g., plants, algae), the Department believed it was necessary to reference the definition of wildlife under A.R.S. § 17-101. However, because the definition of wildlife under A.R.S. § 17-101 is broad and has resulted in some confusion, the reference to the definition of wildlife under A.R.S. § 17-101 is removed.</p>
R12-4-407. Exemptions from Special License Requirements for Restricted Wildlife	
<p>The proposed amendment that prohibits the breeding of desert tortoises in captivity, limits the number of animals that can be kept by a family. The proposed rule limits the number to one per family and does not allow any progeny to be produced through breeding loan with other persons. Limiting the breeding of these animals will eventually result in public exposure to these animals being limited to only the few institutions that carry the animals.</p>	<p>The commenter's interpretation of the proposed amendment is incorrect. A person may keep any number of tortoises, depending on the space available. A person may keep same sex tortoises or spay/neuter opposite sex tortoises. This restriction on propagation was added because captive tortoises have become a management problem for the Department. Because they breed readily in captivity, there is an overabundance of captive tortoises which the Department has the responsibility of managing at considerable expense and personnel time. These tortoises cannot be released into the wild because of concerns about the transmission of respiratory disease. The Arizona Game and Fish Department receives hundreds of unwanted captive-born tortoises each year. The Department spends a considerable amount of effort and resources finding homes for tortoises. This takes away time for conservation efforts of wild tortoises. Tortoises hatched in captivity cannot be released into the wild. Once in captivity, tortoises must be cared for by humans for the rest of their life. The Department has an adoption program, yet currently houses over 200 tortoises that need homes.</p>
R12-4-420. Zoo License	
<p>Limiting zoo licenses to the American Zoo Association (AZA), when other associations exist</p>	<p>The commenter's interpretation of the proposed amendment is incorrect. The Department is <i>proposing</i> to</p>

in Arizona, including the Zoological Association of America (ZAA), is unconstitutional and would be judicially considered arbitrary and capricious if litigated. The Department has a duty to honor private ownership rights of animals without regulatory and economic frustration.	<i>recognize</i> the Zoological Association of America (ZAA). The proposed amendment allows a new zoo license applicant to submit photographs of its existing facility if the applicant is not a member of a recognized, peer-policed zoological association. Submitting photographs of a facility requires little effort or expense and is nondiscriminatory.
The proposed amendment that restricts the disposition of restricted live wildlife from zoos to a private game farm is redundant and will be selectively enforced. If the wildlife is restricted, both parties should possess any valid license issued by the Department in order to maintain the species.	The commenter's interpretation of the proposed amendment is incorrect. The proposed rule allows a zoo to dispose of restricted live wildlife as follows: giving, selling, or trading the wildlife to another zoo license holder or another appropriately licensed or permitted facility in another state or country; giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407; exporting the wildlife to a zoo accredited by the American Zoo and Aquarium Association or Zoological Association of America; or as otherwise directed by the Department.
R12-4-421. Wildlife Service License	
What is the justification for the proposed amendments to R12-4-421 (Wildlife Service License)? What impacts does the Department anticipate the proposed amendments will have on persons who handle pest management, including removal of nuisance wildlife? Several of our members currently have wildlife service licenses, though most do not. There is a concern that even with the current rules there could be an interpretation that anyone performing pest management including rodent and bird control will need to have a wildlife service license. The rule should exempt specific rodents and birds from the “designated live wildlife” definition? Exempting	Amendments were made to improve clarity and consistency within Article 4 and clarify the authorities granted by the license. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife and their parts for the principal purpose of protecting native wildlife species, outweighs any costs. There is no fee for the Wildlife Service license and the Department issues approximately 118 licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur any additional costs as a result of the proposed amendments. To maintain flexibility, the Department amended the rule to identify what species of animal do not require a wildlife service

rodents and certain birds such as mice, rats and pigeons will clarify the rule; thus avoiding the potential dual license requirement.	license and may be removed under a Pest Control license issued by the Department of Agriculture. The trapping and handling of pigeons is addressed in the rule by referring to federally protected species.
Does the amendment that prohibits the possession of wildlife carcasses or parts mean that a wildlife service license holder cannot provide humane reptile relocation services and then possess a snake rattle for educational outreach purposes?	The rule does not allow wildlife service license holders to exhibit wildlife or parts of wildlife possessed under the license, or to retain any parts of wildlife possessed under this license. However, if the reptile is legally obtained under a hunting license, the carcass or parts may be used for educational purposes.
The requirement that photographers must have a Wildlife Holding Permit seems to be excessive and not very practical for those who may choose at a later date to use their otherwise legally obtained photographs for commercial gain.	The public can photograph wildlife in the wild and sell those photographs or videos without possessing a special license, provided the person did not take or possess the wildlife under a hunting or fishing license in order to acquire the photograph or video. If take or possession (momentary manipulation) of an animal is necessary to obtain a photograph or video intended for commercial purposes, a wildlife holding license is required. A.R.S. § 17-331(A) states, "Except as provided by this title or commission order, a person shall not take any wildlife in this state without a valid license or a commission approved proof of purchase."
R12-4-423. Wildlife Rehabilitation License	
The Department should not remove the option for an applicant to depend upon the Department's Wildlife Center as the health treatment provider.	The Department no longer has the appropriate resources necessary to provide veterinary medical care to wildlife possessed by individuals under a Wildlife Rehabilitation License. Under current rule, licensees at the time of application are required to identify a licensed veterinarian that will provide care for wildlife. The rule also clearly states that licensees are responsible for any required veterinary expenses.
Do the proposed amendments require a licensed veterinarian to be on-site to administer treatment	The commenter's interpretation of the proposed rule change is incorrect. The Department is not proposing

or that every animal must be transported to one?	that a licensed veterinarian be required to be on site to administer treatment or that every animal must be transported to one.
The Department should remove the requirement that the educational hours must be obtained from “an accredited university or college; the National Wildlife Rehabilitation Council; the International Wildlife Rehabilitation Council’ as these organizations are overpriced and would put an undue financial hardship on all in-home licensed rehabilitators.	The commenter's interpretation of the proposed rule change is incorrect. The rule requires a Wildlife Rehabilitation License to complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine in a three-year period. Acceptable continuing education courses may be obtained from: an accredited university or college; the National Wildlife Rehabilitators Association; the International Wildlife Rehabilitation Council,; or any other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other potentially applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.
The Department should reduce the required number of educational hours from eight to six hours during the three-year licensing period.	The Department believes eight hours of continuing education courses within a three year licensing period is a reasonable expectation (on average less than 3 hours per year). This requirement ensures applicants are aware of the most current treatment and care options for wildlife available.
The Department should allow accreditation be obtained not only on-line, but also from other qualified and Department licensed rehabilitators.	A license holder who wishes to use alternative applicable training to meet the eight hour continuing education requirement can request approval from the Department, provided the request is made in advance to participating in the education session.
Does the amendment that reduces the length of time in which the license examination results remain valid from five to three years pertain to the exam given when applying for an original Wildlife Rehabilitation license?	Yes.

Does the amendment that expands the list of continuing wildlife education courses add options or requirements?	The Department believes the amendment that expands the list of continuing wildlife education courses adds options.
The Department should not be relieved of their obligation to provide an opportunity for permit holders to meet the Department's requirement for continuing education hours, so that they may continue to provide their services at their own expense and with no compensation.	For years, every two years the Department has organized an optional symposium on wildlife rehabilitation for interested rehabbers. Over time, the number of licensees participating has dwindled to less than 25%, to the point where the vast majority of participants in the symposium are volunteers, students, and other interested parties. Most current licensees now prefer to acquire their required continuing education courses by taking online trainings, researching approved topics, observing new procedures, shadowing experts in the field, or participating in other meetings or sessions related to the field. Pursuing the more nontraditional educational trainings does regard prior approval from the Department. The Department is still very supportive of promoting future wildlife rehabilitation symposiums, but would like the licensed rehabber community to be much more active in the organization and participation. At the last symposium (2012), only one licensed rehabber out of 37 volunteered time to share their knowledge with others.
R12-4-426. Possession of Primates	
The proposed amendment that restricts the possession of primates to zoo license holders, research facilities, and persons exempt under R12-4-425 is confusing, dramatic, and misleading as notable attacks on people from primates and the chimp incident cited in the proposal are from non-human primates already restricted in Arizona.	The Department has been tracking and responding to Non-human primate incidents since 1994. Currently as you stated, only the great apes are restricted to special license holders. Of the 47 human bites and exposures documented, all have been from non-restricted primates held without special license, none from the restricted species. The restriction of all non-human primates will allow the Department to document current animals legally held and the owners may continue to possess these animals under R12-4-425. The potential for

	<p>disease transmission, including Herpes B is very real and privately owned primates escape frequently, thus the incidents cited above. Currently, 25 states have a full ban or permit-only law. 7 states ban certain species and 17 states allow possession without license. The breeding facilities and scientific research facilities would continue to operate under their special licenses.</p>
<p>The Department should continue its partial ban of non-human primates and explore a registration process for non-human primates, as other states have done.</p>	<p>The Department believes that maintaining the current rule and initiating the suggested registration process would not substantively reduce the risk to human health and safety. The Department has been tracking non-human primate incidents since 1994. Currently, only the great apes are restricted to special license holders. Of the documented 47 bites and exposure incidents, all have been from non-restricted primates held without a special license, none were from the primates listed as restricted under R12-4-406. The restriction of all non-human primates will allow the Department to document current animals legally held. The owners may continue to possess these animals under R12-4-425. Zoos, breeding facilities and scientific research facilities would continue to operate under their special licenses. Additionally, all non-human primates have housing, dietary, health, and care requirements that are difficult for a private pet owner to provide. All species have zoonotic disease concerns. The potential for disease transmission, including Herpes B, is very real and privately owned primates escape frequently, as was the case with the incidents cited above. Twenty-two states have a full ban on private ownership of non-human primates: Alaska, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Utah, Vermont, and Washington. Three states have a partial ban on private ownership of some non-human primates: Connecticut,</p>

	<p>Florida, and Tennessee. Seven states require a permit or registration to possess non-human primates as pets: Delaware, Idaho, Missouri, New Mexico, North Dakota, Rhode Island, and Wyoming. Three states require a permit to possess some non-human primates as pets, while allowing others without a permit: Mississippi, Texas, and Wisconsin. Fourteen states allow non-human primates as pets: Alabama, Arkansas, Indiana, Kansas, Michigan, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, and West Virginia.</p>
R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License	
The rule should clarify what species of wildlife may be held and are exempt from special licensing for rehabilitation.	The rule states the following species may be held without a special license, unless listed as restricted live wildlife: passerine birds, doves, quail, pheasant, chukars, rodents, hares, and rabbits.
The rule should state that, without a Department and federal license, no person may possess any listed birds.	<p>This section only applies to possession of select taxonomic groups of sick, injured, or orphaned birds and small mammals. It intentionally does not exempt individuals from other applicable local, state or federal rules, statutes, or regulations, see R12-4-427(B). Sixty days is an adequate time-frame for animals to recover from most injuries. This rule is specifically for Good Samaritans who wish to help the injured wildlife found in their yards. There is no rule that prevents those persons from taking injured wildlife directly to a licensed wildlife rehabilitator or veterinarian.</p>
The rule should state that, as a Good Samaritan, the public may rescue and immediately transport an orphaned or injured bird to a licensed rehabilitator or licensed facility.	
The sixty day time-frame 60 days is too general; time-frames should be specific to each species. The rule should state that, as a Good Samaritan, the public may rescue and immediately transport an orphaned or injured bird to a licensed rehabilitator or licensed facility.	
Layer after layer of rules and regulations are issued to control the actions of licensed rehabilitators, yet the general public has absolutely	
	This rule is in place to allow members of the general public to temporarily possess certain wildlife species without a special license. With thousands of inter-

no oversight, even though they may legally possess more animals in aggregate than a licensed person.	actions between the public and baby birds and rabbits each year, the Department feels it is appropriate for individuals to pick up birds fallen from nests or small mammals displaced or trapped in urban environments in an attempt to help these species. Without this exemption an adult or child that picks up a baby bird or rabbit and brings it home to temporarily care for it would be in violation. The Department feels the rule as worded is working well for the intended purpose.
The Department should delete R12-4-427 in its entirety.	
R12-4-428. Captivity Standards	
Do these standards apply only to special license holders?	Captivity standards apply only to special license holders. The veterinary requirements related to captivity standards apply only to those individuals who possess a special license from the Department.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

R12-4-410, R12-4-411, R12-4-413, R12-4-414, R12-4-417, R12-4-418, R12-4-420, R12-4-421, R12-4-422, R12-4-423, R12-4-424, and R12-4-430 require a general permit and comply with the requirements prescribed under A.R.S. § 41-1037.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law, 9 C.F.R. Subchapter A, Animal Welfare Act (AWA), is applicable to R12-4-410, R12-4-413, R12-4-414, R12-4-417, R12-4-418, R12-4-420, R12-4-421, R12-4-422, R12-4-423, R12-4-426, R12-4-428, and R12-4-430. The Department has determined that the rule is not more stringent than corresponding federal law. However, AWA requirements are only applicable to mammals. The Department regulates all wildlife (amphibians, birds, crustaceans, mammals, mollusks, and reptiles) to ensure all species receive humane and appropriate care and to protect public health and safety. The rule applies many AWA requirements to all wildlife to further protect native wildlife populations, their habitat, and the public.

Federal law, 50 C.F.R. 10.13, is applicable to R12-4-401 and R12-4-422. The Department has determined the rule is not more stringent than the federal law.

Federal law, 50 C.F.R. 21 and 22, is applicable to R12-4-422. The Department has determined the rule is

more restrictive than the corresponding federal law in requiring a re-inspection of a facility when a licensed falconer changes address and the Department cannot verify the facility at the new location is similar to the facility approved during a prior inspection. A re-inspection is also proposed when a falconer acquires additional raptors and the previous inspection does not indicate the facilities can accommodate a new species or additional raptors. In addition, the rule is more stringent than corresponding federal law in requiring a license holder to report the theft of a raptor to the Department within 48 hours. As prescribed under A.R.S. § 17-102, all wildlife is state property. While a licensed falconer may possess a raptor, the raptor does not belong to the falconer. The Commission believes the theft of state property should be reported as soon as possible to allow the Department to take swift action. Under 50 C.F.R. 21.29(b)(1)(iii), "State, tribal, or territorial laws may be more restrictive than these Federal standards but may not be less restrictive." In addition, A.R.S. § 17-231(A)(1) authorizes the Commission to "[a]dopt rules and establish services it deems necessary to carry out the provisions and purposes of this title" and A.R.S. § 17-235 states, the Commission "may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary."

Federal law, 50 C.F.R. 17.11 is applicable to R12-4-401. The Department has determined the rule is not more stringent than the federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

The Department did not receive any analyses.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

R12-4-401, 50 C.F.R. 17.11, revised October 1, 2008.

R12-4-407(B)(10), 9 C.F.R. Subchapter A, Animal Welfare, revised January 1, 2012.

R12-4-422(A), 50 C.F.R. 21.3, revised July 1, 2014.

R12-4-422(D), 50 C.F.R. 10.13.

R12-4-430(H)(1), United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules," USDA APHIS 91-45-011, effective January 1, 2005.

R12-4-430(H)(2), United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-12, effective September 30, 2003.

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 4. LIVE WILDLIFE

Section

- R12-4-401. Live Wildlife Definitions
- R12-4-402. Live Wildlife; Unlawful Acts
- R12-4-403. Escaped or Released Wildlife
- R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License
- R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit
- R12-4-406. Restricted Live Wildlife
- R12-4-407. Exemptions from Special License Requirements for Restricted Wildlife
- R12-4-408. Holding Wildlife for the Department
- R12-4-409. General Provisions and Penalties for Special Licenses
- R12-4-410. Aquatic Wildlife Stocking ~~Permit~~ License
- R12-4-411. Live Bait Dealer's License
- R12-4-412. Special License Fees
- R12-4-413. Private Game Farm License
- R12-4-414. Game Bird ~~Shooting Preserve~~ License
- R12-4-415. Game Bird Field Trial License Repealed
- R12-4-416. Game Bird Field Training Permit Repealed
- R12-4-417. Wildlife Holding License
- R12-4-418. Scientific Collecting ~~Permit~~ License
- R12-4-419. Game Bird Hobby License Repealed
- R12-4-420. Zoo License
- R12-4-421. Wildlife Service License
- R12-4-422. Sport Falconry License
- R12-4-423. Wildlife Rehabilitation License
- R12-4-424. White Amur Stocking and Holding License
- R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments
- R12-4-426. Possession of Primates
- R12-4-427. Exemption from Requirements to Possess a Wildlife Rehabilitation License
- R12-4-428. Captivity Standards
- R12-4-430. Importation, Handling, and Possession of Cervids

ARTICLE 4. LIVE WILDLIFE

R12-4-401. Live Wildlife Definitions

In addition to definitions ~~given in~~ provided under A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

"Adoption" means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

- 1- ~~"Agent" means an individual that~~ the person identified on a special license and who assists a special license holder in performing activities ~~that are~~ authorized by the special license to achieve the objectives for which the license was issued. "Agent" has the same meaning as "sublicensee" and "subpermittee" as these terms are used for the purpose of federal permits.

- 2- ~~"Aquarium trade" means the commercial industry that and its customers who~~ lawfully ~~trades~~ trade in aquatic live wildlife ~~and its customers.~~

"Aversion training" means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

- 3- ~~"Captive live wildlife" means live wildlife that is~~ held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

"Captive-reared" means wildlife born, bred, raised, or held in captivity.

- 4- ~~"Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 North Charles Street, Baltimore MD, 21218-4363 the~~ Integrated Taxonomic Information System, available online at www.itis.gov.

- 5- ~~"Circus" means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. "Circus" does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.~~

- 6- ~~"Collect" means to take wildlife alive under the provisions of a scientific collecting permit.~~

- 7- ~~"Commercial purpose" means the~~ bartering, buying or, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts, ~~or the exchange of anything of monetary value for the use of wildlife~~ for monetary gain.

- 8- ~~"Domestic" means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans that who~~ held them in captivity, ~~or are~~ individuals or populations that escaped from human captivity.

- 9- ~~"Educational display" means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from an audience or an event sponsor. For the purposes of this Article, "to display for educational purposes" refers to display as part of an educational display.~~

"Educational institution" means any entity that provides instructional services or education-related services to persons.

10. "Endangered or threatened" means wildlife ~~that is listed in~~ under 50 C.F.R. 17.11, revised as of August 4, 2004 not including any later amendments or editions, which is incorporated by reference October 1, 2008, which is incorporated by reference. A copy of the list is available for inspection at any Department office, online at www.gpoaccess.gov, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Stop: IDDC, Washington, D.C. ~~20402~~ 20401. This Section does not include any later amendments or editions of the incorporated material.

11. "Evidence of lawful possession" means any license or permit ~~that allows~~ authorizing possession of a specific live wildlife species or individual, or other documentation ~~that establishes~~ establishing lawful possession. Other forms of documentation may include, but are not limited to, ~~a statement of nonrequirement for issued by the country or state of origin verifying a license or permit for that specific live wildlife species, or individual granted by the country or state of origin is not required.~~

12. "Exhibit" means to display captive live wildlife in public; or to allow photography of captive live wildlife; for any commercial purpose.

13. "Exotic" means wildlife or offspring of wildlife ~~that is~~ not native to North America.

14. "Fish farm" means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.

15. "Game farm" means a commercial operation ~~that is~~ designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife for any purpose stated ~~in~~ under R12-4-413.

"Health certificate" means a certificate of an inspection completed by a licensed veterinarian verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.

16. "Hybrid wildlife" means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered ~~to be~~ wildlife.

17. "Live baitfish" means any species of live freshwater fish designated by Commission ~~order~~ Order as lawful for use in taking aquatic wildlife under R12-4-313 and R12-4-317.

18. "Live bait" means aquatic live wildlife used or intended for use in taking aquatic wildlife.

"Migratory birds" mean all species listed under 50 C.F.R. 10.13.

19. "Native" ~~means wildlife or offspring of wildlife that occurred naturally within the present boundaries of Arizona before European settlement.~~

"Noncommercial purpose" means the use of products or services developed using wildlife for which no compensation or monetary value is received.

"Nonhuman primate" means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.

20. "Nonnative" means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.

"Person" has the same meaning as defined under A.R.S. § 1-215.

24. ~~"Photography" means any process that captures light to produce an exact image on another medium by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.~~ creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

22. ~~"Propagate" means the production of offspring that qualify as wildlife from captive live wildlife parents.~~

23. "Rehabilitated wildlife" means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.

"Research facility" means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.

24. ~~"Restricted live wildlife" means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption. Restricted live wildlife are listed in R12-4-406.~~

25. "Shooting preserve" means any operation where live wildlife is released for the purpose of hunting.

26. "Special license" means any ~~permit or~~ license issued under this Article, including any additional stipulations placed on the license ~~that authorizes~~ authorizing specific activities normally prohibited ~~by~~ under A.R.S. § 17-306 and R12-4-402.

"Species of greatest conservation need" means any species listed in the Department's Comprehensive Wildlife Conservation Strategy list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and online at www.azgfd.gov.

27. "Stock" and "stocking" means to release live aquatic wildlife into public or private waters other than the waters where taken.

Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.

"Unique identifier" means a permanent marking that identifies an individual animal which may include, but is not limited to, a tattoo or microchip.

"USFWS" means the United States Fish and Wildlife Service.

"Volunteer" means a person who:

Assists a special license holder in conducting activities authorized under the special license,

Is under the direct supervision of the license holder at the premises described on the license,

Is not designated as an agent, and

Receives no compensation.

"Wildlife disease" means any disease that poses a health risk to wildlife in Arizona.

28. ~~"Wildlife of special concern" means any species listed in "Wildlife of Special Concern," published by the Arizona Game and Fish Department. A copy is available for inspection at any Department office.~~

"Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.

29. "Zoonotic" means a disease that can be transmitted from animals to humans ~~from other~~ or, more specifically, a

disease that normally exists in animals but that can infect humans.

R12-4-402. Live Wildlife: Unlawful Acts

- A.** ~~An individual~~ A person shall not perform any of the following activities with live wildlife unless authorized by a federal license or permit, this Chapter, or A.R.S. Title 3, Chapter 16:
1. Import any live wildlife into the state;
 2. Export any live wildlife from the state;
 3. ~~Transport, possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent, lease, display, exhibit, propagate, stock, or release~~ Conduct any of the following activities with live wildlife within the state:
 - a. Display,
 - b. Exhibit,
 - c. Give away,
 - d. Lease,
 - e. Offer for sale,
 - f. Possess,
 - g. Propagate,
 - h. Purchase,
 - i. Release,
 - j. Rent,
 - k. Sell,
 - l. Sell as live bait,
 - m. Stock,
 - n. Trade,
 - o. Transport; or
 4. Kill any captive live wildlife.
- B.** ~~If an individual lawfully possesses wildlife, but holds it~~ The Department may seize, quarantine, hold, or euthanize any lawfully possessed wildlife held in a manner that poses an actual or potential threat to the wildlife, other wildlife, or the safety, health, or welfare of the public, ~~the Department shall seize, quarantine, or hold, the wildlife.~~
- C.** A person possessing wildlife held in accordance with this Article shall be responsible for all costs associated with the care and keeping of the wildlife.

R12-4-403. Escaped or Released Live Wildlife

- A.** The Department may ~~take~~ seize, quarantine, or euthanize any live wildlife that has been released, ~~escapes~~ has escaped, or is likely to escape if the wildlife poses an actual or potential threat to ~~native~~;
1. Native wildlife;

2. Wildlife habitat; or to the
3. Public health, safety, health, or welfare of the public ; or
4. Property.

- B.** ~~An individual~~ A person shall not release live wildlife ~~under A.R.S. § 17-306, unless specifically directed to do~~
~~so by the Department or authorized by under this Chapter Article. The Department may also take live wildlife~~
~~as prescribed by this Section if the wildlife is held under a special license.~~
- C.** The person possessing the wildlife shall be responsible for all costs incurred by the Department associated with
seizing or quarantining the wildlife.
- D.** All special license holders shall be subject to the requirements of this Section.

R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License

- A.** ~~An individual~~ A person may take live wildlife from the wild ~~alive~~ under a valid Arizona hunting or fishing
license ~~only if there is a~~ provided the current Commission Order ~~that prescribes~~ authorizes a live bag and
possession limit for that wildlife and the individual possesses the appropriate hunting or fishing license and
special license, when applicable.
- B.** ~~An individual may possess, transport, place on educational display, photograph, propagate, or kill for personal~~
~~use any wildlife taken under an Arizona hunting or fishing license, except that live baitfish may be possessed~~
~~and transported only in accordance with R12-4-316. An individual shall dispose of any wildlife taken under an~~
~~Arizona hunting or fishing license as prescribed by subsection (B). Except for live baitfish which may only be~~
~~possessed and transported as established under R12-4-316, a person may conduct any of the following activities~~
~~with wildlife taken under an Arizona hunting or fishing license provided the activity is for a noncommercial~~
~~purpose:~~
1. Export,
 2. Kill,
 3. Place on educational display,
 4. Possess,
 5. Propagate, and
 6. Transport.
- B.C.** ~~An individual who possesses~~ A person possessing wildlife or offspring of wildlife taken under this Section
shall ~~only~~ dispose of the wildlife or ~~its~~ offspring ~~by giving it as a gift, exporting it~~ of wildlife using any one or
more of the following methods:
1. Giving the wildlife as a gift,
 2. Exporting the wildlife to another state or jurisdiction, or as
 3. Disposing of the wildlife as directed in writing by the Department.
- D.** ~~An individual~~ A person shall not dispose of wildlife or offspring of wildlife taken ~~as prescribed by under this~~
Section ~~or offspring of the wildlife by selling, bartering, trading, or exporting it~~ for any commercial purpose.
- E.** ~~Exported~~ A person exporting live wildlife for a noncommercial purpose shall confirm exported live wildlife and

its offspring of wildlife shall not be ~~sold, bartered, purchased, rented, leased, offered for sale, or used;~~

1. Bartered,
2. Leased,
3. Offered for sale,
4. Purchased,
5. Rented,
6. Sold, or
7. Used for any commercial purpose. ~~An individual shall not export live desert tortoises (Gopherus agassizii) from the state without written authorization from the Department. The Department shall only authorize an individual to export live desert tortoises to another jurisdiction where they can be legally possessed.~~

~~F.~~ ~~An individual~~ A person may temporarily hold and release live wildlife possessed under this Section into the wild, ~~but only if provided the person did not remove the wildlife is not removed~~ from the immediate area where it was taken.

~~C.G.~~ ~~An individual~~ A person shall not exceed the possession limit of live wildlife established by Commission Order for that species.

1. Offspring of wildlife possessed under this Section shall count towards the established possession limit. ~~If any~~
2. A person may possess offspring of amphibians or reptiles ~~exceed in excess of~~ the possession limit, ~~they may be held in captivity for no more than~~ 12 months from the date of birth or hatching. ~~Before or on~~
3. On or before the day the offspring of ~~reptiles and amphibians~~ reach 12 months of age, the ~~individual that possesses~~ person possessing them shall dispose of them ~~by giving them as gifts or as directed by the Department as prescribed under subsection (C).~~
4. A person is prohibited from releasing offspring of propagated wildlife into the wild.

~~D.H.~~ ~~An individual may propagate desert tortoises possessed under R12-4-407(A)(1), and may hold offspring in captivity for 24 months from the date of hatching. An individual shall dispose of desert tortoises at the end of the 24 months by giving them as gifts or as directed in writing by the Department. A person may use reptiles and amphibians taken under a valid Arizona hunting license for the purpose of providing aversion or avoidance training when the current Commission Order authorizes a live bag and possession limit for that reptile or amphibian.~~

I. A person may sell photographs of wildlife taken under a valid hunting or fishing license.

~~E.J.~~ ~~An individual~~ A person who possesses live wildlife or offspring of wildlife taken under this Section shall ~~report the wildlife to the Department as~~ comply with the requirements prescribed under R12-4-425 if the wildlife becomes listed as restricted wildlife under R12-4-406.

R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

A. ~~An individual~~ A person may import mammals, birds, amphibians, and reptiles not listed ~~in~~ as restricted wildlife

under R12-4-406 without a special license or permit from the Department if required under this Article, provided the animals are lawfully possessed under a valid:

1. Lawfully possessed under a:

a. Lawful exemption; or

b. Valid license, permit, or other form of authorization from another state, the United States, or another country, or are possessed under a lawful exemption; and

2. Accompanied by the health certificate required under 3 A.A.C. Ch 2, 12 A.A.C. Ch 4 Articles 6, and this Article, when applicable.

B. ~~An individual~~ A person may import live aquatic wildlife not listed ~~in~~ as restricted wildlife under R12-4-406 without a special license or permit from the Department under the following conditions:

~~1. The wildlife is lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or is possessed under a lawful exemption;~~

~~2. The wildlife is used only for the aquarium trade or a fish farm, as defined in R12-4-401, or for restaurants or markets that are licensed to sell food to the public;~~

~~3. If the wildlife is for the aquarium trade or a fish farm, the wildlife is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported through this state;~~

~~4. If the wildlife is for restaurants or markets, the wildlife is killed before it is transported from the restaurant or market, or if transported alive from the market is conveyed directly to its final destination for preparation as food; and~~

~~5. If the individual is engaged in the aquarium trade and wishes to purchase aquatic live wildlife or the individual wishes to purchase aquatic live wildlife for restaurants or fish markets.~~

1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and

2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and the wildlife is killed before it is transported from the restaurant or market, or, if transported alive from the market, is conveyed directly to its final destination for preparation as food; or

3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.

a. A person in the aquarium trade shall:

i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and

ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.

b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.

~~C. Aquatic live wildlife that is used in the aquarium trade shall not be used for any reason other than as a pet or in~~

~~an ornamental display. An individual in the aquarium trade shall not use wildlife that is listed as restricted live wildlife under R12-4-406. An individual shall keep live aquatic wildlife that is used in the aquarium trade in an aquarium or an enclosed pond that does not allow the wildlife to leave the aquarium or pond, and does not allow other live aquatic wildlife to enter.~~

~~D.C.~~ A person shall obtain ~~an~~ the appropriate special license listed ~~in~~ under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated ~~in~~ under subsection (B). ~~An individual may import aquatic live wildlife into this state if an exemption exists in,~~ unless exempt under this Chapter.

~~E.D.~~ A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).

~~F.~~ An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, if applicable.

R12-4-406. Restricted Live Wildlife

~~A.~~ For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is an offspring of a wildlife species.

~~B.~~ In addition to any applicable federal license or permit an individual shall possess the appropriate special license listed under R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to possess wildlife listed under this Section for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-402, or R12-4-1102. Exemptions from these requirements are listed under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.

~~C.~~ Requirements for the use of wildlife that occurs in the wild in this state and that has been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.

A. In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-1102, or this Article, a person shall possess:

1. All applicable federal licenses and permits; and
2. The appropriate special license listed under R12-4-409(A); or
3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.

B. The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at www.itis.gov.

C. All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:

1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section; and
 2. Transgenic species, unless otherwise specified under this Article. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is the offspring of at least one wildlife species.
- D.** Domestic animals, as defined ~~in~~ under R12-4-401, are not subject to restrictions under A.R.S. Title 17, ~~this Chapter 12 A.A.C. 4,~~ or Commission Orders.
- E.** ~~Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.~~
- F.** ~~Unless specified otherwise in this Article, all transgenic species are restricted live wildlife.~~
- G.E.** Unless otherwise specified ~~otherwise~~, all mammals listed below are considered restricted live wildlife as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218-4363.:
1. ~~All species of the genus Didelphis. Common name: American opossums;~~
 2. ~~All species of the order Insectivora. Common names include: Insectivores, shrews, hedgehogs, tenrecs, solenodonts, and moles;~~
 3. ~~All species of the order Chiroptera. Common name: bats;~~
 4. ~~All species of the family Pongidae of the order Primates. Common names include: orangutans, chimpanzees, gorillas;~~
 5. ~~All species of the order Xenarthra. Common names include: edentates; or sloths, anteaters, and armadillos;~~
 6. ~~All species of the order Lagomorpha, except the genus Oryctolagus. Common names include: pikas, rabbits, and hares. Genus Oryctolagus, containing domestic rabbits, is not wildlife;~~
 7. ~~All species of the following families of the order Rodentia. Common name: rodents.~~
 - a. ~~The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs;~~
 - b. ~~The family Geomyidae. Common name: pocket gophers;~~
 - c. ~~The family Castoridae. Common name: beavers;~~
 - d. ~~The family Erethizontidae. Common name: New World porcupines; and~~
 - e. ~~The family Capromyidae. Common names include: hutias, coypus, or nutrias;~~
 8. ~~All species of the order Carnivora. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels; and~~
 9. ~~All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.~~
 - a. ~~The family Tayassuidae. Common name: peccaries;~~
 - b. ~~The family Cervidae. Common names include: cervid; or deer, elk, moose, wapiti, and red deer;~~

- e. ~~The family Antilocapridae. Common name: pronghorn; and~~
 - d. ~~The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:~~
 - i. ~~The genus Bubalus. Common name: water buffalo; and~~
 - ii. ~~The genus Bison. Common name: bison, American bison or buffalo.~~
1. All species of the order Afrosoricida. Common names include: tenrecs and golden moles.
 2. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates:
 - a. The family Antilocapridae. Common name: pronghorns.
 - b. The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep. Except the following genera which are not restricted:
 - i. The genus Bubalus. Common name: water buffalo.
 - ii. The genus Bison. Common name: bison, American bison or buffalo.
 - c. The family Cervidae. Common names include: cervid, deer, elk, moose, wapiti, and red deer.
 - d. The family Tayassuidae. Common name: peccaries.
 3. All species of the order Carnivora. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels.
 4. All species of the order Chiroptera. Common name: bats.
 5. All species of the genus Didelphis. Common name: American opossums.
 6. All species of the order Erinaceomorpha. Common names include: gymnures and moonrats. Except members of the family Erinaceidae, which are not restricted. Common name: hedgehogs.
 7. All species of the order Lagomorpha. Common names include: pikas, rabbits, and hares. Except for members of the genus Oryctolagus containing domestic rabbits, which are not wildlife and are not restricted.
 8. All non-human primates. Common names include: orangutans, chimpanzees, gorillas, macaques, and spider monkeys.
 9. All species of the following families of the order Rodentia. Common name: rodents:
 - a. The family Capromyidae. Common name: hutias.
 - b. The family Castoridae. Common name: beavers.
 - c. The family Echimyidae. Common names include: coypus and nutrias.
 - d. The family Erethizontidae. Common name: new world porcupines.
 - e. The family Geomyidae. Common name: pocket gophers.
 - f. The family Sciuridae. Common names include: squirrels, chipmunks, marmots, woodchucks, and prairie dogs.
 10. All species of the order Soricomorpha. Common names include: shrews, desmans, moles, and shrew-moles.
 11. All species of the order Xenarthra. Common names include: edentates; or sloths, anteaters, and armadillos.
- H.F.** Birds listed below are considered restricted live wildlife ~~as defined in R12-4-401~~;

1. ~~The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants.~~
 - a. ~~Callipepla gambelii. Common name: Gambel's quail;~~
 - b. ~~Callipepla squamata. Common name: scaled quail;~~
 - c. ~~Colinus virginianus. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed in R12 4-108;~~
 - d. ~~Cyrtonyx montezumae. Common name: Montezuma, harlequin or Mearn's quail; and~~
 - e. ~~Dendragapus obscurus. Common name: blue grouse; and~~

2. ~~The species Rhynchopsitta pachyrhyncha. Common name: thick-billed parrot.~~

1. The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants:
 - a. Callipepla gambelii. Common name: Gambel's quail.
 - b. Callipepla squamata. Common name: scaled quail.
 - c. Colinus virginianus. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed under R12-4-108.
 - d. Cyrtonyx montezumae. Common name: Montezuma, harlequin or Mearn's quail.
 - e. Dendragapus obscurus. Common name: dusky grouse.

2. All species listed under the Migratory Bird Treaty Act, 50 C.F.R. 10.13.

I.G. Reptiles listed below are considered restricted live wildlife as defined in R12-4-401.:

1. ~~All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators;~~
2. ~~The following species of the order Testudines. Common names include: turtles and tortoises;~~
 - a. ~~All species of the family Chelydridae. Common name: snapping turtles; and~~
 - b. ~~All species of the genus Gopherus. Common name: gopher tortoises, including the desert tortoise; and~~
3. ~~All species of the following families or genera of the order Squamata.~~
 - a. ~~The family Helodermatidae. Common names include: Gila monster and Mexican beaded lizard;~~
 - b. ~~The family Elapidae. Common names include: cobras, mambas, coral snakes, kraits, and Australian elapids;~~
 - c. ~~The family Hydrophiidae. Common name: sea snakes;~~
 - d. ~~The family Viperidae. Common names include: true vipers and pit vipers, including rattlesnakes;~~
 - e. ~~The family Atractaspididae. Common name: burrowing asps; and~~
 - f. ~~The following species and genera of the family Colubridae:~~
 - i. ~~Dispholidus typus. Common name: boomslang;~~
 - ii. ~~Thelotornis kirtlandii. Common names include: bird snake or twig snake;~~
 - iii. ~~Rhabdophis. Common name: keelback; and~~
 - iv. ~~Boiga irregularis. Common name: brown tree snake.~~

1. All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators.
2. All species of the following families or genera of the order Squamata:

- a. The family *Atractaspididae*. Common name: burrowing asps.
- b. The following species and genera of the family *Colubridae*:
 - i. *Boiga irregularis*. Common name: brown tree snake.
 - ii. *Dispholidus typus*. Common name: boomslang.
 - iii. *Rhabdophis*. Common name: keelback.
 - iv. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake.
- c. The family *Elapidae*. Common names include: cobras, mambas, coral snakes, kraits, Australian elapids, and sea snakes.
- d. The family *Helodermatidae*. Common names include: Gila monster and Mexican beaded lizard.
- e. The family *Viperidae*. Common names include: true vipers and pit vipers, including rattlesnakes.
- 3. The following species of the order *Testudines*:
 - a. All species of the family *Chelydridae*. Common name: snapping turtles.
 - b. All species of the genus *Gopherus*. Common names include: gopher tortoises, including the desert tortoise.

J.H.Amphibians listed below are considered restricted live wildlife as defined in R12-4-401. The following species within the order *Anura*, common names frogs and toads:-

- 1. ~~All species of the genus *Xenopus*. Common name: clawed frogs;~~
- 2. ~~The species *Bufo horribilis*, *Bufo marinus*, *Bufo paraenemis*. Common names include: giant or marine toads; and~~
- 3. ~~All species of the genus *Rana*. Common names include: leopard frogs and bullfrogs. Bullfrogs possessed under A.R.S. § 17-102 are exempt.~~
- 1. The species *Bufo horribilis*, *Bufo marinus*, *Bufo schneideri*. Common names include: giant or marine toads.
- 2. All species of the genus *Rana*. Common names include: leopard frogs and bullfrogs. Except bullfrogs possessed under A.R.S. § 17-102.
- 3. All species of the genus *Xenopus*. Common name: clawed frogs.

K.I.Fish listed below are considered restricted live wildlife as defined in R12-4-401:-

- 1. ~~Arctic grayling, the species *Thymallus arcticus*;~~
- 2. ~~Bass, all species of the family *Serranidae*;~~
- 3. ~~Bighead carp, the species *Aristichthys nobilis*;~~
- 4. ~~Black carp, the species *Mylopharyngodon piceus*;~~
- 5. ~~Bony tongue, the species *Arapaima gigas*;~~
- 6. ~~Bowfin, the species *Amia calva*;~~
- 7. ~~Catfish, all species of the family *Ictaluridae*;~~
- 8. ~~Crucian carp, the species *Carassius carassius*;~~
- 9. ~~Electric catfish, the species *Malapterurus electricus*;~~
- 10. ~~Electric eel, the species *Electrophorus electricus*;~~
- 11. ~~European whitefish or ide, the species *Leuciscus idus* and *Idus idus*;~~

12. Freshwater drum, the species *Aplodinotus grunniens*;
 13. Freshwater stingrays, all species of the family Potamotrygonidae;
 14. Gars, all species of the family Lepisosteidae;
 15. Goldeye, mooneye, and all species of the family Hiodontidae;
 16. Herring, all species of the family Clupeidae;
 17. Indian carp, all of the species *Catla catla*, *Cirrhina mrigala*, and *Labeo rohita*;
 18. Lampreys, all species of the family Petromyzontidae;
 19. Nile perch, all species of the genus *Lates* and *Luciolates*;
 20. Pike or pickerels, all species of the family Esocidae;
 21. Pike topminnow, the species *Belonesox belizanus*;
 22. Piranha, all species of the genera *Serrasalmus*, *Serrasalmo*, *Phylocentrus*, *Teddyella*, *Rooseveltiella*, and *Pygopristis*;
 23. Rudd, the species *Scardinius erythrophthalmus*;
 24. Shad, all species of the family Clupeidae except threadfin shad, species *Dorosoma petenense*;
 25. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes, except for all species of the families Hemiscylliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Sclerorhinidae, including *Aulohalaeretus*, *Halaeretus*, *Haploblepharus*, *Poroderma*, and *Sclerorhinus*; and genera of the family Parascylliidae, including *Cirroscyllium* and *Parascyllium*;
 26. Silver carp, the species *Hypophthalmichthys molitrix*;
 27. Snakehead, all species of the family Channidae;
 28. South American parasitic catfish, all species of the family Trichomycteridae and Cetopsidae;
 29. Sunfish, all species of the family Centrarchidae;
 30. Temperate basses of the family Moronidae;
 31. Tetras, all species of the genus *Astyanax*;
 32. Tiger fish, the species *Hoplias malabaricus*;
 33. Trout, all species of the family Salmonidae;
 34. White amur or grass carp, the species *Ctenopharyngodon idella*;
 35. Walking or airbreathing catfish, all species of the family Clariidae; and
 36. Walleye, and pike-perches, all species of the family Percidae.
1. All species of the family Acipenseridae. Common name: sturgeon.
 2. The species *Amia calva*. Common name: bowfin.
 3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
 4. The species *Arapaima gigas*. Common name: bony tongue.
 5. All species of the genus *Astyanax*. Common name: tetra.
 6. The species *Belonesox belizanus*. Common name: pike topminnow.

7. All species, both marine and freshwater, of the orders *Carcharhiniformes*, *Heterodontiformes*, *Hexanchiformes*, *Lamniformes*, *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*, *Squatiniiformes*, and except for all species of the families *Brachaeluridae*, *Hemiscylliidae*, *Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohaelurus*, *Haelaelurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*.
Common name: sharks.
8. All species of the family *Centrarchidae*. Common name: sunfish.
9. All species of the family *Cetopsidae* and *Trichomycteridae*. Common name: South American catfish.
10. All species of the family *Channidae*. Common name: snakehead.
11. All of the species *Cirrhinus mrigala*, *Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
12. All species of the family *Clariidae*. Common names include: labyrinth or airbreathing catfish.
13. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
14. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.
15. The species *Cyprinella lutrensis*. Common name: Red shiner.
16. The species *Electrophorus electricus*. Common name: electric eel.
17. All species of the family *Esocidae*. Common names include: pike and pickerels.
18. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
19. The species *Hoplias malabaricus*. Common name: tiger fish.
20. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
21. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
22. All species of the family *Ictaluridae*. Common name: catfish.
23. All species of the genus *Lates* and *Luciolates*. Common name: Nile perch.
24. All species of the family *Lepisosteidae*. Common name: gar.
25. The species *Leuciscus idus*. Common names include: whitefish and ide.
26. The species *Malapterurus electricus*. Common name: electric catfish.
27. All species of the family *Moronidae*. Common name: temperate bass.
28. The species *Mylopharyngodon piceus*. Common name: black carp.
29. All species of the family *Percidae*. Common names include: walleye and pike perches.
30. All species of the family *Petromyzontidae*. Common name: lamprey.
31. The species *Polyodon spathula*. Common name: American Paddlefish.
32. All species of the family *Potamotrygonidae*. Common name: stingray.
33. All species of the genera *Pygocentrus*, *Pygopristis*, and *Serrasalmus*. Common name: piranha.
34. All species of the family *Salmonidae*. Common names include: trout and salmon.
35. The species *Scardinius erythrophthalmus*. Common name: rudd.
36. All species of the family *Serranidae*. Common name: bass.
37. The following species, and hybrid forms, of the Genus *Tilapia*: *O. aureus*, *O. mossambica*; *O. niloticus*.

Oreochromis niloticus, O. urolepis hornoru and O. zillii. Common name: tilapia.

38. The species *Thymallus arcticus*. Common name: Arctic grayling.

L.J. Crustaceans listed below are considered restricted live wildlife as defined in R12-4-401:

- ~~1. Asiatic mitten crab, the species *Eriocheir sinensis*; and~~
- ~~2. Australian crayfish and all freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*.~~
1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
2. The species *Eriocheir sinensis*. Common name: Chinese mitten crab.

M.K. Mollusks listed below are considered restricted live wildlife as defined in R12-4-401:

- ~~1. Asian clam, the species *Corbicula fluminea*;~~
- ~~2. New Zealand mud snail, the species *Potamopyrgus antipodarum*;~~
- ~~3. Quagga mussel, the species *Dreissena bugensis*;~~
- ~~4. Rosy wolfsnail, the species *Euglandina rosea*; and~~
- ~~5. Zebra mussel, the species *Dreissena polymorpha*.~~
1. The species *Corbicula fluminea*. Common name: Asian clam.
2. All species of the family *Dreissenidae*. Common names include: zebra and quagga mussel.
3. The species *Euglandina rosea*. Common name: rosy wolfsnail.
4. The species *Mytilopsis leucophaeata*. Common names include: Conrad's false mussel or false dark mussel.
5. All species of the genus *Pomacea*. Common names include: Chinese mystery snail or apple snail.
6. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.

L. All wildlife listed within Aquatic Invasive Species Director's Order #1.

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife

A. All live cervids may only be imported, possessed, or transported as authorized under R12-4-430.

A.B. ~~An individual~~ A person is not required to possess a special license to lawfully possess restricted live wildlife under the following ~~exemptions~~ circumstances:

1. ~~An individual may possess, transport, or give away a desert tortoise (*Gopherus agassizii*) without a special license if that individual possessed it before April 28, 1989. An individual who possessed a desert tortoise before this date may propagate it, and hold offspring in captivity for 24 months from the date of hatching. The individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department.~~ A person may possess, transport, or give away a desert tortoise (*Gopherus morafkai*) or the progeny of a desert tortoises provided the person possessed the tortoise prior to April 28, 1989 or obtained the tortoise through a Department authorized adoption program. A person who receives a desert tortoise that is given away under this Section is also exempt from special license requirements. A person shall not:
 - a. Propagate lawfully possessed desert tortoises or their progeny unless authorized in writing by the Department's special license administrator. ~~An individual who receives a desert tortoise that is given~~

- ~~away under this Section is also exempt from the special license requirements. An individual shall not export~~
- b. Export a live desert tortoise from this state unless authorized in writing by the Department.
2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, if provided:
 - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board, and makes the records available for inspection by ~~an authorized~~ the Department ~~employee; and,~~
 - b. The ~~Commission or~~ Department assumes no financial responsibility for any care ~~that a~~ the veterinarian provides, except care that is specifically authorized by the Department.
 3. ~~An individual~~ A person may ~~import, possess, and export~~ transport restricted live wildlife ~~if that individual through this state provided the person:~~
 - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
 - b. Ensures ~~that only~~ at least one individual transports person is continually present with, and accountable for, the wildlife while in this state ~~The individual may transport the wildlife personally or allow another individual to transport the wildlife;~~
 - c. Ensures ~~that~~ the wildlife is neither transferred nor sold to another ~~individual person; and~~
 - d. Ensures ~~that~~ the wildlife is accompanied by evidence of lawful possession, as defined ~~in~~ under R12-4-401;
 - e. Ensures the health certificate required under 3 A.A.C. Ch 2, 12 A.A.C. Ch 4 Articles 6, and this Article accompanies the wildlife stated on the health certificate, when applicable; and
 - f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
 4. ~~With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual~~ A person may ~~exhibit, export, import, transport, possess, exhibit, and export~~ transport restricted live wildlife for a circus, temporary animal exhibit, or government- authorized state or county fair ~~or circus; or may import, possess, transport, and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual, provided the person:~~
 - a. Possesses evidence of lawful possession as defined ~~in~~ under R12-4-401, for the wildlife;
 - b. Ensures ~~that~~ the evidence of lawful possession accompanies the wildlife stated on that evidence;
 - c. Ensures the health certificate required under 3 A.A.C. Ch 2, 12 A.A.C. Ch 4 Articles 6, and this Article accompanies the wildlife stated on the health certificate, when applicable;
 - ~~e-d.~~ Ensures ~~that~~ the wildlife does not come into physical contact with the public;
 - ~~d-e.~~ Keeps the wildlife under complete control by safe and humane means; and
 - ~~e-f.~~ Ensures ~~that~~ the wildlife is not in this state for more than 60 consecutive days.
 5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial

photography, provided the person:

- a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
- b. Ensures the evidence of lawful possession accompanies the wildlife stated on that evidence;
- c. Ensures the health certificate required under 3 A.A.C. Ch 2, 12 A.A.C. Ch 4 Article 6, and this Article accompanies the wildlife stated on the health certificate, when applicable;
- d. Ensures the wildlife does not come into physical contact with the public;
- e. Keeps the wildlife under complete control by safe and humane means; and
- f. Ensures the wildlife is not in this state for more than 60 consecutive days.

~~5.6. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual~~ A person may exhibit, import, transport, possess, exhibit and transport restricted live wildlife for advertising purposes other than photography, and may export restricted live wildlife if that individual provided the person:

- a. Ensures that the wildlife is accompanied by evidence of lawful possession as defined in under R12-4-401;
- b. Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
- c. Ensures the health certificate required under 3 A.A.C. Ch 2, 12 A.A.C. Ch 4 Article 6, and this Article accompanies the wildlife stated on the health certificate, when applicable;
- ~~b.d.~~ Maintains the wildlife under complete control by safe and humane means;
- ~~e.e.~~ Prevents the wildlife from coming into contact with the public or being photographed with the public;
- ~~d.f.~~ Does not charge the public a fee to the public to view the wildlife; and
- ~~e.g.~~ Exports the wildlife from the state within 10 days of importation.

7. A person may export restricted live wildlife, provided the person:

- a. Ensures that the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
- b. Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
- c. Maintains the wildlife under complete control by safe and humane means;
- d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
- e. Does not charge the public a fee to view the wildlife; and
- f. Exports the wildlife from the state within 10 days of importation.

~~6.8. An individual~~ A person may possess restricted live wildlife that is taken alive under R12-4-404, R12-4-405, and R12-4-427, but provided the individual must possess person possesses the wildlife as prescribed by in compliance with those Sections.

~~7.9. An Arizona sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency. A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(B)(9), unless remaining in this State for more than 180 consecutive days.~~

- a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.

- b. A falconer licensed in another state or country and who remains in this State for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state.
- ~~8.10.~~ ~~An individual~~ A person may ~~export, give away, import, kill, possess, propagate, purchase, possess, trade, and transport, trade, give away, propagate, kill, and export~~ restricted live wildlife ~~if the individual provided the person is doing so for a medical or scientific research facility that is registered with the United States Department of Agriculture under 9 CFR C.F.R. Subchapter A, Animal Welfare, 2.30 revised January 2000, not including any later amendments or editions 1, 2012, which is incorporated by reference in this Section. A copy~~ The incorporated material is available for inspection at any Department office, online at www.gpoaccess.gov, or it may be ordered from the United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Miron Ave., Suite J, Sacramento, CA 95827 2623, (916) 857-6205 U.S. Government Printing Office, Stop: IDCC, Washington, D.C. 20401. This incorporation by reference contains no future editions or amendments.
- ~~9.11.~~ ~~An individual~~ A person may import and transport restricted live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.
- ~~10.12.~~ ~~Restaurants and markets that are~~ A person operating a restaurant or market licensed to sell food to the public may ~~possess, exhibit, offer for sale, possess, and sell live game fish or crayfish. Live, provided the live game fish and crayfish shall be~~ are killed before ~~they are~~ being transported from the restaurant or market.
- ~~11.~~ ~~An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.~~
13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic fish, mice, or rats provided the person is doing so for a medical or scientific research facility.
- B. An exemption granted ~~by~~ under this Section is not valid for any wildlife protected by federal statute or regulation ~~unless supported by federal permission or documentation rendering the exemption lawful.~~
- R12-4-408. Holding Wildlife for the Department**
- A. A game ranger may authorize ~~an individual~~ a person to possess or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B. With the exception of live cervids, ~~a designated~~ the Department ~~employee~~ has the authority to allow ~~an individual~~ a person to possess and transport captive live wildlife for up to 72 hours or as otherwise directed by the Department.
- C. The Director has the authority to allow ~~an individual~~ a person to hold a live cervid ~~for~~ on behalf the Department.

R12-4-409. General Provisions and Penalties for Special Licenses

- A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:
1. Aquatic wildlife stocking ~~permit~~ license, ~~prescribed by~~ established under R12-4-410;
 2. Game bird ~~field training permit~~ license, ~~prescribed by~~ established under ~~R12-4-416~~; R12-4-414;
 3. ~~Game bird field trial~~ license, ~~prescribed by~~ R12-4-415;
 4. ~~Game bird hobby~~ license, ~~prescribed by~~ R12-4-419;
 5. ~~Game bird shooting preserve~~ license, ~~prescribed by~~ R12-4-414;
 6. 3. Live bait dealer's license, ~~prescribed by~~ established under R12-4-411;
 7. 4. Private game farm license, ~~prescribed by~~ established under R12-4-413;
 8. 5. Scientific collecting ~~permit~~ license, ~~prescribed by~~ established under R12-4-418;
 9. 6. Sport falconry license, ~~prescribed by~~ established under R12-4-422;
 10. 7. White amur stocking and holding license, ~~prescribed by~~ established under R12-4-424;
 11. 8. Wildlife holding license, ~~prescribed by~~ established under R12-4-417;
 12. 9. Wildlife rehabilitation license, ~~prescribed by~~ established under R12-4-423;
 13. 10. Wildlife service license, ~~prescribed by~~ established under R12-4-421; and
 14. 11. Zoo license, ~~prescribed by~~ established under R12-4-420.
- B. An applicant A person applying for any a special license listed in under subsection (A) shall submit:
- a. Submit an application to the Department for that license according to meeting the specific application requirements established under the applicable governing Section that prescribes requirements for that special license.
 - i. Applications for special licenses are furnished by the Department and are available at any Department office and online at www.azgfd.gov.
 - ii. An application is required upon initial application for a special license and when renewing a special license.
 - b. Pay all applicable fees required under R12-4-412.
- C. In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if At the time of application, the person shall provide an acknowledgment attesting that:
1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States The information provided on the application is true and correct to the applicant's knowledge;
 2. The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license The applicant shall comply with all municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
 3. The applicant knowingly provides false information on an application; or The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United

States.

4. ~~The applicant submits an incomplete application.~~

D. A special license obtained by fraud or misrepresentation is invalid from the date of issuance.

E. The Department shall either grant or deny a special license within the applicable overall time-frame prescribed established for that special license under R12-4-106, and in a manner consistent with A.R.S. Title 41, Section Ch 6, Article 7.1. By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.

D.F. ~~If an individual obtains a special license despite meeting any criteria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in under A.R.S. Title 41, Chapter 6, Article 10. In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:~~

1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
2. The applicant was convicted of illegally holding or possessing live wildlife within five years from the date of application for the special license; or
3. The applicant knowingly provides false information on an application.
4. The Department shall deny a license to a person who fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.

E.G. A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. ~~Special A special license holders are issued by the Department does not exempt;~~

1. Exempt the license holder from any municipal, county, state or federal statutes, rules, or ordinances. code, ordinance, statute, regulation, or rule; or
2. A special license does not authorize an individual. Authorize the license holder to engage in any activity using wildlife if the wildlife that is protected by federal regulation. A special license holder may only engage in authorized activities using federally protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.

F.H. ~~The Department has the authority to may~~ place additional stipulations on a special license at the time of initial application or renewal if when necessary to conserve;

1. Conserve wildlife populations, ~~prevent~~
2. Prevent the introduction and proliferation of wildlife diseases, ~~prevent~~

3. Prevent wildlife from escaping, or
4. Protect public health or safety.

~~G.I.~~ A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed by under R12-4-428; or if applicable, as otherwise required ~~by the Section that prescribes captivity requirements~~ under ~~the special license~~ this Article.

~~J.~~ The Department may ~~authorize one of its employees to make a reasonable inspection of~~ inspect a facility to ~~ensure that it complies~~ verify compliance with all applicable requirements ~~prescribed by~~ established under this Article. ~~The Department shall ensure that an inspection does not inadvertently transmit disease among facilities.~~

~~H.K.~~ A special license holder shall keep records ~~according to~~ in compliance with the requirements established under the governing Section ~~that prescribes requirements for the special license~~. The license holder and shall make the records available for inspection to ~~any authorized~~ the Department ~~employee~~ upon reasonable request.

~~L.~~ The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

~~I.M.~~ ~~If~~ Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, ~~including wildlife held under a special license, as determined by a person with relevant expertise~~, the Department ~~shall~~ may immediately order a cessation of ~~operation~~ operations under the special license and, if necessary, order the humane disposition or quarantine of any contaminated or ~~threatened~~ affected wildlife.

1. ~~The~~ When directed by the Department, a special license holder shall ~~perform~~:

- a. Perform disease testing, ~~submit~~
- b. Submit biological samples to the Department or its designee, ~~quarantine~~
- c. Surrender the wildlife to the Department;
- d. Quarantine the wildlife, or ~~destroy~~
- e. Humanely euthanize the wildlife ~~as directed by the Department~~.

2. The license holder shall ~~ensure that~~:

- a. Ensure any disease ~~giving rise to an~~ or other emergency condition under this subsection is diagnosed by ~~an individual or individuals~~ a person professionally certified to make the diagnosis. ~~Once operation has ceased and an emergency no longer exists, subsection (J) applies.~~
- b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.

~~J.N.~~ If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, ~~including the wildlife held, or the public~~, but the threat does not constitute an emergency, the Department ~~shall provide the license holder~~ may issue a written notice of the condition to the special license holder, ~~by certified mail or personal service~~, specifying a reasonable period of time for the license holder to ~~cure~~ remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service.

1. Failure of the license holder to ~~eure~~ remedy the noticed condition within the time specified by the Department is a violation under subsection ~~(K)~~ (N).
2. If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to ~~eure~~ remedy.

~~K.O.~~ ~~The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the conviction, humanely dispose of the wildlife, if a~~ A special license holder shall not:

1. ~~Violates~~ Violate any provision of the governing Section or this Section;
2. ~~Violates~~ Violate any provision of the special license that the ~~individual~~ person possesses, including any stipulations ~~applied by the Department~~ specified on the special license;
3. ~~Violates~~ Violate A.R.S. § 13-2908, relating to criminal nuisance;
4. ~~Violates~~ Violate A.R.S. § 13-2910, relating to cruelty to animals; or
5. ~~Is convicted of any other criminal offense involving cruelty to animals;~~
6. ~~5. Refuses~~ Refuse to allow the reasonable inspection of facilities, wildlife, or required records; ~~or~~
7. ~~Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses.~~

~~L.P.~~ The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:

1. File criminal charges.
2. Suspend or revoke a special license.
3. Humanely dispose of the wildlife.
4. Seize or seize in place any wildlife held under a special license.
5. ~~An individual~~ A person may appeal to the Commission any Department action listed ~~in~~ under this subsection (K), except filing of criminal charges, as prescribed by under A.R.S. Title 41, ~~Chapter~~ Ch 6, Article 10, except the filing of criminal charges.

~~M.Q.~~ ~~All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section.~~ A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.

1. The current license will remain valid until the Department grants or denies the new special license.
2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (E), the license holder may continue to hold the wildlife until:
 - a. The date on which the Commission makes its final decision on the appeal, or
 - b. The final date on which a person may request a judicial review of the decision.
3. ~~If the~~ A special license holder ~~does not~~ who fails to submit ~~an~~ a renewal application to the Department ~~for a~~

~~new license by before the date that the license expires, cannot lawfully possess any live wildlife currently possessed under the license is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.~~

~~N. If the special license holder chooses to renew the license, the license holder shall submit an application for a new license as required by the governing Section.~~

O.R. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year ~~on activities performed under the license for the previous calendar year. If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the annual report is due within 30 days after the license holder's termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section.~~ The report form is furnished by the Department.

- ~~1. The license holder's name, address, telephone number, and special license number; A report is required regardless of whether or not activities were performed during the previous year.~~
- ~~2. The number and species of all restricted live wildlife obtained and the date when it was obtained; The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.~~
- ~~3. The source of all restricted live wildlife obtained and the date when it was obtained; The Department will not process the special license holder's renewal application until the annual report is received by the Department.~~
- ~~4. The number of offspring propagated by all restricted live wildlife; and~~
- ~~5. If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.~~
- ~~4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:~~
 - ~~a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency;~~
~~or~~
 - ~~b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.~~

R12-4-410. Aquatic Wildlife Stocking Permit License

~~A. An aquatic wildlife stocking permit allows an individual to perform any of the following: import, purchase,~~

~~possess, transport and stock any species designated on the permit at the location specified on the permit.~~

- B.** ~~An applicant shall apply for an aquatic stocking permit on forms provided by the Department. Applications are available at any Department office. An applicant shall provide the following on the application:~~
- ~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
 - ~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;~~
 - ~~3. The wildlife species, the number of animals per species, and the approximate size of the wildlife that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;~~
 - ~~4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the holding site, including river drainage, township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~
 - ~~5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;~~
 - ~~6. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;~~
 - ~~7. The date wildlife will be stocked, or dates if stocking will take more than one day;~~
 - ~~8. If the applicant is applying for an aquatic wildlife stocking permit to stock wildlife in an area where the wildlife has not already been introduced, or where the wildlife is not currently established, or to stock wildlife that conflicts with the Department's efforts to conserve wildlife, a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states:~~
 - ~~a. The purpose for introducing the aquatic live wildlife species;~~
 - ~~b. The anticipated benefits from introducing the aquatic live wildlife species;~~
 - ~~c. The potential adverse economic impacts of introducing the aquatic live wildlife species;~~
 - ~~d. The potential dangers the introduced species could create for native and game fish, including whether or not the introduced species is compatible with native or game fish;~~
 - ~~e. The potential ecological problems that the introduced species could create;~~
 - ~~f. The diseases and parasites inherent in or associated with the introduced species;~~
 - ~~g. The anticipated hybridization concerns with introducing the species; and~~
 - ~~h. Any suggestions to evaluate the status and impact of the species after it is introduced; and~~
 - ~~9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- C.** ~~An aquatic wildlife stocking permit holder shall stock wildlife only on the date or dates stated on the permit. An aquatic wildlife stocking permit holder is only authorized to stock wildlife for 20 consecutive days.~~
- D.** ~~The Department shall issue an aquatic wildlife stocking permit in compliance with R12 4 106. The Department~~

~~shall deny a wildlife stocking permit if the applicant proposes to use aquatic wildlife that is not compatible with or poses a threat to any wildlife within the drainage or area where the stocking is to occur. If the Department determines that issuance of the permit will result in a negative impact to state wildlife, the Department shall deny the permit. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D).~~

- ~~E. An aquatic wildlife stocking permit holder shall obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond that has been certified free of the diseases and causative agents specified by any additional stipulation placed on the permit by the Department at the time of application or permit renewal, as authorized by R12-4-409(F). Certification is based on a physical inspection of the fish farm or fish pond of origin performed not more than 12 months before the wildlife or biological material is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months. The inspection shall be performed by a qualified fish health inspector or fish pathologist. The inspection shall be performed at the fish farm or fish pond where the wildlife or biological material is held before it is shipped. A copy of the certification shall accompany each shipment.~~
- ~~F. Native aquatic wildlife species shall be obtained and disposed of as directed by the Department.~~
- ~~G. An aquatic wildlife stocking permit holder is subject to the provisions of R12-4-409 and R12-4-428.~~
- A. An aquatic wildlife stocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.
- B. The aquatic wildlife stocking license is valid for no more than 20 consecutive days.
- C. In addition to the requirements established under this Section, an aquatic wildlife stocking license holder shall comply with the special license requirements established under R12-4-409.
- D. The license holder shall be responsible for compliance with all applicable regulatory requirements. The aquatic wildlife stocking license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- E. The Department shall deny an aquatic wildlife stocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:
 - 1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or
 - 2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.

- F.** A person applying for an aquatic wildlife stocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. An applicant shall provide the following on the application:
1. The applicant's information:
 - a. Name;
 - b. Mailing address; and
 - c. Department ID number, when applicable;
 2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address; and
 - d. Telephone number;
 3. Aquatic wildlife species information:
 - a. Common name of the aquatic wildlife species;
 - b. Number of animals for each species; and
 - c. Approximate size of the aquatic wildlife that will be used under the license;
 4. The purpose for introducing the aquatic wildlife species;
 5. For each location where the aquatic wildlife will be stocked, the owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical location of the stocking site, to include river drainage and the Global Positioning System location or Universal Transverse Mercator coordinates;
 6. A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
 - a. Size of waterbody proposed for stocking aquatic wildlife;
 - b. Nearest river, stream, or other freshwater system;
 - c. Points where water enters each waterbody, when applicable;
 - d. Points where water leaves each waterbody, when applicable; and
 - e. Location of fish containment barriers;
 7. For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address;
 - d. Telephone number;
 8. The dates on which the person will stock aquatic wildlife;

9. Any other information required by the Department; and
 10. The acknowledgment required under R12-4-409(C).
- G.** In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following information:
1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
 2. Potential adverse economic impacts;
 3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
 - a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
 - b. Potential ecological problems created by the introduced aquatic species;
 - c. Anticipated hybridization concerns with introducing the aquatic species; and,
 - d. Future plans designed to evaluate the status and impact of the species after it is introduced.
 4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's Environmental Review On-Line Tool, which is available at www.azgfd.gov. The proposal must address each species listed.
- H.** An applicant for an aquatic wildlife stocking license shall pay all applicable fees established under R12-4-412.
- I.** An aquatic wildlife stocking license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond certified to be free of diseases and causative agents through the following actions:
 - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
 - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
 - c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
 3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
 4. Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and present it for inspection upon the request of any Department employee or

agent.

5. Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.

J. An aquatic wildlife stocking license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

R12-4-411. Live Bait Dealer's License

~~A. A live bait dealer's license allows an individual to perform any of the following: import, transport, purchase, possess, exhibit for sale, offer for sale, sell as live bait, kill, trade, or export any or all of the following aquatic live wildlife as bait:~~

- ~~1. Fathead minnow, *Pimephales promelas*;~~
- ~~2. Golden shiner, *Notemigonus crysoleucas*;~~
- ~~3. Goldfish, *Carassius auratus*;~~
- ~~4. Mosquito fish, *Gambusia affinis*;~~
- ~~5. Red shiner, *Cyprinella lutrensis*;~~
- ~~6. Threadfin shad, *Dorosoma petenense*; and~~
- ~~7. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.~~

~~B. An applicant for a live bait dealer's license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:~~

- ~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
- ~~2. The name, address, and telephone number of the applicant's business;~~
- ~~3. The wildlife species and the number of animals per species that will be sold under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;~~
- ~~4. The name, address, and telephone number of the location where the wildlife will be held and sold. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~
- ~~5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;~~
- ~~6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~
- ~~7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

~~C. The Department shall issue a live bait dealer's license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).~~

- ~~D. A live bait dealer's license holder shall obtain live baitfish from a facility that is certified free of the diseases and causative agents specified in any stipulations placed on the permit by the Department as authorized by R12-4-409(F).~~
- ~~E. To receive certification that a facility is free of diseases or causative agents specified in any stipulations that may be placed on the license, the operator of the facility shall ensure that:~~
- ~~1. The inspection is performed by a qualified fish health inspector or fish pathologist;~~
 - ~~2. The inspection is performed at the facility where the wildlife is held before it is shipped; and~~
 - ~~3. The inspection is performed not more than 12 months before the wildlife is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months before shipping.~~
- ~~F. A live bait dealer's license is subject to the provisions of R12-4-409 and R12-4-428.~~
- A. A live bait dealer's license allows a person to perform any of the following activities using the aquatic live wildlife listed under subsection (B): exhibit for sale, export, import, kill, offer for sale, possess, purchase, sell, trade, or transport.
- B. A live bait dealer's license allows a person to perform any of the activities listed under subsection (A) with any or all of the following aquatic live wildlife:
1. Fathead minnow, *Pimephales promelas*;
 2. Golden shiner, *Notemigonus crysoleucas*;
 3. Goldfish, *Carassius auratus*;
 4. Mosquito fish, *Gambusia affinis*;
 5. Threadfin shad, *Dorosoma petenense*; and
 6. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- C. A live bait dealer's license expires on December 31 of each year.
- D. In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.
- E. The license holder shall be responsible for compliance with all applicable regulatory requirements. The live bait dealer's license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.

G. A person applying for a live bait dealer's license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is available from any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:

1. The applicant's information:

- a. Name;**
- b. Mailing address;**
- c. Telephone number; and**
- d. Department ID number, when applicable;**

2. The applicant's business:

- a. Name;**
- b. Federal Tax Identification Number;**
- c. Mailing address; and**
- d. Telephone number of the applicant's business;**

3. Wildlife species information:

- a. Common name of all wildlife species; and**
- b. The number of animals for each species that will be sold under the license.**

4. For each location where the wildlife will be used, the owner's:

- a. Name;**
- b. Mailing address;**
- c. Telephone number; and**

5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;

6. For each supplier from whom the applicant will obtain wildlife, the supplier's:

- a. Name;**
- b. Federal Tax Identification Number;**
- c. Mailing address;**
- d. Telephone number;**

7. Any other information required by the Department; and

8. The acknowledgment required under R12-4-409(C).

H. An applicant for a live bait dealer's license shall pay all applicable fees established under R12-4-412.

I. A live bait dealer's license holder shall:

- 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).**
- 2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:**
 - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.**

- b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
- c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
- d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
- 3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
- 4. Possess the license or legible copy of the license while conducting activities authorized under the live bait dealers license and present it for inspection upon the request of any Department employee or agent.
- 5. Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.
- J. A live bait dealer's license holder shall comply with the requirements established under R12-4-428.

R12-4-412. Special License Fees

- A. A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application.
- B. A new application fee is required upon initial application or when an applicant fails to renew a special license before the license expires.
- C. A renewal application fee is required when an applicant submits an application to renew the special license before the license expires.

Special License Fees	<u>Resident</u> <u>New Application</u>	<u>Nonresident</u> <u>Application</u>	<u>Renewal</u>
<u>Aquatic Wildlife Stocking License</u>	<u>no fee</u>	<u>no fee</u>	
Game Bird			
Field Trial License	\$6	\$6	
Hobby License	\$5	\$5	
Shooting Preserve License	\$115	\$115	
Live Bait Dealer's License	\$35	\$35	
Private Game Farm License	\$57.50	\$57.50	
<u>Scientific Collecting License</u>			
<u>Commercial</u>	<u>no fee</u>	<u>no fee</u>	
<u>Non-commercial</u>	<u>no fee</u>	<u>no fee</u>	
Sport Falconry License, <u>not available to a nonresident under R12-4-422(J).</u>	\$87.50	Not available <u>\$87.50</u>	
White Amur Stocking and Holding License, business. Initial <u>\$250</u>		<u>\$250</u>	

and renewal license fee

<u>Commercial</u>	<u>\$250</u>	<u>\$250</u>
<u>Non-commercial</u>	<u>\$250</u>	<u>\$250</u>
White Amur Stocking and Holding License, non business.	\$250	\$250
Initial license fee		
<u>Wildlife Holding License</u>	<u>no fee</u>	<u>no fee</u>
<u>Wildlife Rehabilitation License</u>	<u>no fee</u>	<u>no fee</u>
<u>Wildlife Service License</u>	<u>no fee</u>	<u>no fee</u>
Zoo License	\$115	\$115

R12-4-413. Private Game Farm License

- A.** ~~A private game farm license requires the commercial use of wildlife held under the license. The commercial use of wildlife under this license allows only the following: to offer for sale, sell, trade, rent or lease, give away, purchase, display for sale, import, possess, propagate, rear, transport, and export wildlife or the carcass of wildlife or its parts, as specified on the license. As defined in R12 4 401, propagation involves only wildlife and does not permit possession of domestic animals or other non wildlife species for propagation. Private game farm wildlife may be killed or slaughtered, but an individual shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest. Private game farm wildlife shall not be killed by an individual who pays a fee to the owner of the game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as allowed under R12 4 414, R12 4 415, R12 4 416, and R12 4 419.~~
- B.** ~~An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:~~
- ~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
 - ~~2. Name, address, and telephone number of the applicant's business;~~
 - ~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. Except for live cervids, which shall not be imported, transported, or possessed, except as authorized by R12 4 430, the Department shall only issue a license for the following species:~~
 - ~~a. Pen-reared game birds:~~
 - ~~i. Blue grouse, Dendragapus obscurus;~~
 - ~~ii. Chukar, Alectoris chukar;~~
 - ~~iii. California or valley quail, Callipepla californica;~~
 - ~~iv. Gambel's quail, Callipepla gambelii;~~
 - ~~v. Scaled quail, Callipepla squamata;~~

- vi. Montezuma or Mearns' quail, *Cyrtonyx montezumae*;
 - vii. Northern bobwhite, *Colinus virginianus*. License is required only for game farms located in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
 - viii. Ringneck and whitewing pheasant, *Phasianus colchicus*;
- b. Mammals that are restricted live wildlife listed in R12-4-406 only if:
- i. The same species does not exist in the wild in this state;
 - ii. The applicant submits with the application proof that the applicant has a license issued by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
 - iii. The applicant submits with the application a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states the species to be possessed, the purpose of possession, the purpose of propagation, if applicable, and how the applicant will prevent escape, a threat to native wildlife, and a threat to public safety; and
 - iv. The applicant clearly states how the applicant will dispose of the wildlife, either by export from the state, to another game farm licensed under this Section, to a zoo licensed under R12-4-420, to a medical or scientific research facility exempted under R12-4-407, or as otherwise authorized by this Section;
4. If the applicant is renewing the private game farm license, the species and number of animals per species that are currently in captivity;
5. The name, address, and telephone number of the location of the game farm where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the game farm, including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards prescribed by this Section;
7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C. The Department shall issue a private game farm license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- D. A private game farm license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.
- E. A private game farm license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game farm. The receipt shall include the date that the wildlife was purchased, traded, or given as a gift; the name of the game farm; and the number of dead wildlife, by species, that are being transported.

- ~~F. A private game farm license holder shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm license holder, the license number of the valid game farm license for the current year, the date shipped, the species and the number of individuals per species of wildlife in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the person who will receive the shipment.~~
- ~~G. Before January 31 of each year, a private game farm license holder shall file a written report on activities performed under the license for the previous calendar year. A private game farm license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:~~
- ~~1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;~~
 - ~~2. The date when the wildlife was obtained or propagated;~~
 - ~~3. The date when the wildlife was disposed of and the manner of disposition; and~~
 - ~~4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.~~
- ~~H. A private game farm license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include the information required in subsection (G)(1) through (4) and R12-4-409(O)(1) through (5).~~
- ~~I. A game farm license holder is subject to the provisions R12-4-409, R12-4-428, and R12-4-430.~~
- A. A private game farm license authorizes a person to commercially farm and sell wildlife, when authorized under the license. A private game farm license allows the license holder to display for sale, give away, import, offer for sale, possess, propagate, purchase, rear, rent or lease, sell, trade, or transport wildlife, wildlife carcasses, or parts of wildlife as specified on the license at the location designated on the license.
- B. Private game farm wildlife may be killed or slaughtered, but a person shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest.
- C. Private game farm wildlife shall not be killed by a person who pays a fee to the owner of the private game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as authorized under R12-4-414.
- D. A private game farm licenses authorizes the use of only the following species:
1. Captive-reared game birds:
 - a. *Alectoris chukar*, Chukar;
 - b. *Callipepla californica*, California or valley quail;
 - c. *Callipepla gambelii*, Gambel's quail;
 - d. *Callipepla squamata*, Scaled quail;
 - e. *Colinus virginianus*, Northern bobwhite;
 - f. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
 - g. *Dendragapus obscurus*, Dusky grouse; and

- h. *Phasianus colchicus*, Ringneck and whitewing pheasant;
- 2. Mammals listed as restricted live wildlife under R12-4-406, provided:
 - a. The same species does not exist in the wild in this state;
 - b. The applicant submits proof of a valid license issued by the United States Department of Agriculture under 9 CFR 25.30 at the time of application;
 - c. The applicant submits a written proposal at the time of application, which includes all of the following information:
 - i. Species to be possessed,
 - ii. Purpose of possession,
 - iii. Purpose of propagation, when applicable,
 - iv. Methods designed to prevent wildlife from escaping,
 - v. Methods designed to prevent threat to native wildlife,
 - vi. Methods designed to ensure public safety; and
 - vii. Methods for disposal of the wildlife, which may include export from this state, or transfer to an eligible game farm licensed under this Section, a zoo licensed under R12-4-420, or a medical or scientific research facility exempted under R12-4-407.
- E. The Department shall deny an application for:
 - 1. A new private game farm license for cervids. The Department may accept a renewal application for a private game farm license holder currently permitted to possess cervids, provided the license holder is in compliance with all applicable requirements under R12-4-409, R12-4-430, and this Section.
 - 2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units 34A, 36A, 36B, and 36C, as prescribed under R12-4-108.
- F. In addition to the requirements established under this Section, a private game farm holder shall comply with the special license requirements established under R12-4-409.
- G. The license holder shall be responsible for compliance with all applicable regulatory requirements. The private game farm license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H. The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.
- I. A person applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is

furnished by the Department and is available at any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:

1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Department ID number, when applicable;
 2. The applicant's business:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address; and
 - d. Telephone number;
 3. For wildlife to be used under the license:
 - a. Common name of the wildlife species;
 - b. Number of animals for each species; and
 - c. When the applicant is renewing the private game farm license, the species and number of animals for each species currently held in captivity under the license;
 4. For each location where the wildlife will be used, the land owner's:
 - a. Name;
 - b. Mailing address;
 - d. Telephone number; and
 - e. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
 5. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
 6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address;
 - d. Telephone number;
 7. Any other information required by the Department; and
 8. The acknowledgment required under R12-4-409(C).
- J.** An applicant for a private game farm license shall pay all applicable fees established under R12-4-412.
- K.** A private game farm license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).

2. Ensure each shipment of live wildlife imported into the state is accompanied by a health certificate.
 - a. The certificate shall be issued no more than 30 days prior to the date on which the wildlife shipped.
 - b. A copy of the certificate shall be submitted to the Department prior to importation.
 3. Ensure the following documentation accompanies each shipment of wildlife made by the game farm:
 - a. Name of the private game farm license holder.
 - b. Private game farm license number.
 - c. Date wildlife was shipped.
 - d. Number of wildlife, by species, included in the shipment.
 - e. Name of the person or common carrier transporting the shipment, and
 - f. Name of the person receiving the shipment.
 4. Provide each person that transports a wildlife carcass from the site of the game farm with a receipt that includes all of the following:
 - a. Date the wildlife was purchased, traded, or given as a gift;
 - b. Name of the game farm; and
 - c. Number of wildlife carcasses, by species, being transported.
 5. Ensure each facility is inspected by the attending veterinarian at least once every year.
 6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
 7. Maintain records of all wildlife possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
 - a. The private game farm license holder's:
 - i. Name;
 - ii. Mailing address;
 - iv. Telephone number; and
 - vi. Special license number;
 - b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
 - c. Copies of the annual report required under subsection (M);
 - d. Number of all restricted live wildlife, by species and the date it was obtained;
 - e. Source of all restricted live wildlife and the date it was obtained;
 - f. Number of offspring propagated by all restricted live wildlife; and
 - g. For all restricted live wildlife disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- L. A private game farm license holder shall not:**
1. Propagate hybrid wildlife or domestic animals with wildlife; or

2. Possess domestic species under the special license.

M. A private game farm license holder shall submit an annual report to the Department before January 31 of each year for activities performed under the license for the previous calendar year. The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.

2. The private game farm license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.

3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.

4. The annual report shall include all of the following information, as applicable:

a. Number of wildlife, by species;

b. Source of all wildlife that the license holder obtained or propagated;

c. Date on which the wildlife was obtained or propagated;

d. Date on which the wildlife was disposed of and the manner of disposition; and

e. Name of person who received wildlife disposed of by barter, given as a gift, or sale.

N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the wildlife for a commercial purpose shall dispose of the wildlife as follows:

1. Export,

2. Transfer to another private game farm licensed under this Section,

3. Transfer to a zoo licensed under R12-4-420,

4. Transfer to a medical or scientific research facility exempt under R12-4-407,

5. As directed by the Department, or

6. As otherwise authorized under this Section.

O. A private game farm license holder shall comply with the requirements established under R12-4-428 and R12-4-430.

R12-4-414. Game Bird Shooting Preserve License

A. ~~A game bird shooting preserve license allows the year round release of pen-reared game birds as prescribed by the license, at the site specified on the license, for the purpose of hunting or shooting by individuals who may be charged a fee. The license also allows an individual to do any or all of the following: import, purchase, possess, transport, trade, display for sale, offer for sale give as a gift, propagate, or export the live wildlife specified on the license.~~

B. ~~An applicant shall make application for a shooting preserve license on a form provided by the Department. The applicant shall provide the following on the application:~~

1. ~~Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~

2. ~~If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of~~

- the applicant's business;
3. ~~The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
 - a. ~~Chukar, *Alectoris chukar*;~~
 - b. ~~Mallard duck, *Anas platyrhynchos*;~~
 - c. ~~Northern bobwhite, *Colinus virginianus*, except that no license will be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and~~
 - d. ~~Ringneck and whitewing pheasant, *Phasianus colchicus*;~~
 4. ~~If the applicant is renewing the game bird shooting preserve license, the species and number of animals per species that are currently in captivity;~~
 5. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
 6. ~~A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
 7. ~~A detailed description or diagram of the shooting preserve where the applicant will release the wildlife. The shooting preserve shall not be more than 1000 acres and shall be located on private land;~~
 8. ~~The name, address, and telephone number of the shooting preserve where the wildlife will be released, if applicable. Otherwise, the physical location of the shooting preserve, including township, range, and section. If the applicant applies to release wildlife at more than one shooting preserve, the applicant shall submit a separate application for each preserve;~~
 9. ~~The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~
 10. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- C.** ~~The Department shall issue a game bird shooting preserve license in compliance with R12-4-106. The Department shall not issue a game bird shooting preserve license if escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).~~
- D.** ~~A game bird shooting preserve license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.~~
- E.** ~~A game bird shooting preserve license holder shall post visible and legible signs every 100 yards that mark the boundaries of the shooting preserve. Each sign shall indicate that the area behind the sign is a private game bird~~

~~shooting preserve and display the name of the shooting preserve.~~

- ~~F. A game bird shooting preserve license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game bird shooting preserve. The receipt shall include the date of purchase, the name of the shooting preserve, and the number by species of wildlife to be transported.~~
- ~~G. A game bird shooting preserve license holder shall ensure that shipments of dead wildlife made by the game bird shooting preserve are accompanied by documentation showing the name of the license holder, the license number of the valid game bird shooting preserve license for the current year, the date the wildlife is shipped, the number of animals per species in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the individual who will receive the shipment.~~
- ~~H. A hunting license is not required to hunt released wildlife on a licensed game bird shooting preserve. The season for taking game birds on a shooting preserve may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a game bird shooting preserve license.~~
- ~~I. Game birds released on a shooting preserve may be taken by any method not prohibited by R12-4-303.~~
- ~~J. Before January 31 of each year, a game bird shooting preserve license holder shall file a written report on activities performed under the license for the previous calendar year. A game bird shooting preserve license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:~~
 - ~~1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;~~
 - ~~2. The date when the wildlife was obtained or propagated;~~
 - ~~3. The date when the wildlife was disposed of, and the manner of disposition; and~~
 - ~~4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.~~
- ~~K. A game bird shooting preserve license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include all information required in an annual report as stated in subsection (J)(1) through (4) and R12-4-409(O).~~
- ~~L. Game bird shooting preserve licenses are subject to the provisions of R12-4-409 and R12-4-428.~~
- A. A game bird license authorizes a person to display for sale, export, give as a gift, import, offer for sale, possess, propagate, purchase, sell, trade, and transport only the game birds specified on the license at the location specified on the license. A person who possesses a game bird license may conduct any of the following activities when stipulated on the person's game bird license:
 - 1. Year-round possession of live captive-reared game birds at the site specified on the license, Game Bird Hobby:
 - a. A license holder shall possess no more than 50 game birds at any one time.
 - b. The license expires on December 31.
 - 2. Take of game birds by a person who may be charged a fee, Game Bird Shooting Preserve:
 - a. A license holder shall restrict the release and take of the live game birds on private lands to an area not

- more than 1,000 acres.
- b. A person is not required to possess a hunting license when taking a game bird released under a game bird license.
 - c. The license expires on December 31.
3. Conduct a competition to test the performance of hunting dogs for no more than 10 consecutive days, Game Bird Field Trial.
 4. Train a dog or raptor to hunt game birds for no more than 10 consecutive days, Game Bird Field Training.
- B. A game bird license authorizes the use of the following game bird species as specified under the license:**
1. Game Bird Hobby:
 - a. *Alectoris chukar*, Chukar;
 - b. *Callipepla californica*, California or valley quail;
 - c. *Callipepla gambelii*, Gambel's quail;
 - d. *Callipepla squamata*, Scaled quail;
 - e. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
 - f. *Cyrtonyx montezumae*, Montezuma or Mearn's quail; and
 - g. *Dendragapus obscurus*, Dusky grouse.
 2. Game Bird Shooting Preserve, Game Bird Field Trial, and Game Bird Field Training:
 - a. *Alectoris chukar*, Chukar;
 - b. *Anas platyrhynchos*, Mallard duck;
 - c. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
 - d. *Phasianus colchicus*, Ringneck and Whitewing pheasant;
 3. For the game bird species listed below, a game bird license authorizes a person to conduct only the following activities: display, export for noncommercial purposes, give as a gift, import, kill, possess, propagate, purchase, and transport:
 - a. *Callipepla californica*, California or valley quail;
 - b. *Callipepla gambelii*, Gambel's quail;
 - c. *Callipepla squamata*, Scaled quail;
 - d. *Cyrtonyx montezumae*, Montezuma or Mearn's quail; and
 - e. *Dendragapus obscurus*, Dusky grouse.
- C. In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.**
- D. The license holder shall be responsible for compliance with all applicable regulatory requirements. The game bird license does not:**
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States

authorizing the license holder to use that wildlife in a manner consistent with the special license.

E. The Department shall deny a game bird license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:

1. The applicant proposes to release game birds:
 - a. At a location where an established wild population of the same species exists.
 - b. During nesting periods of upland game birds or waterfowl that nest in the area.
2. The applicant requests a license:
 - a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 game birds at any one time.
 - b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 34A, 36A, 36B, and 36C.
3. The Department determines the:
 - a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
 - b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
 - c. Release of game birds may interfere with a wildlife or habitat restoration program.

F. A person applying for a game bird license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:

1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and;
 - d. Department ID number, when applicable;
2. If the applicant will use the game birds for a commercial purpose, the applicant's business:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address; and
 - d. Telephone number;
3. If the applicant will use the game birds for an activity affiliated with a sponsoring organization, the organization's:
 - a. Name;

- b. Mailing address; and
 - c. Telephone number of the organization chair or local chapter;
- 4. For game birds to be used under the license:
 - a. Common name of game bird species;
 - b. Number of animals for each species; and
 - c. When the applicant is renewing the game bird license, the species and number of animals for each species currently held in captivity under the license;
- 5. A description of how the applicant intends to use the game birds:
 - a. For personal possession only;
 - b. Charge a person a fee to take game birds;
 - c. Conduct a competition to test the performance of hunting dogs; or
 - d. Train a dog or raptor to hunt;
- 6. For each location where game birds will be used, the owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
- 7. For each location where game birds will be released, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
- 8. A detailed description or diagram of the facilities where the applicant will hold game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
- 9. For each game bird supplier from whom the applicant will obtain game birds, the supplier's:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address;
 - d. Telephone number;
- 10. Any other information required by the Department; and
- 11. The acknowledgment required under R12-4-409(C).
- G.** An applicant for a game bird license shall pay all applicable fees established under R12-4-412.
- H.** A game bird license holder shall:
 - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-

4-409(H).

2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
 3. Ensure each facility is inspected by the attending veterinarian at least once every year.
 4. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and present it for inspection upon the request of any Department employee or agent.
 5. Ensure each shipment of game birds imported into the state is accompanied by a health certificate.
 - a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
 - b. A copy of the certificate shall be submitted to the Department prior to importation.
 6. Provide each person that transports game birds taken under the game bird license with documentation that includes all of the following:
 - a. Name of the game bird license holder;
 - b. Game bird license number;
 - c. Date the game bird was purchased, traded, or given as a gift;
 - d. Number of game birds, by species; and
 - e. When the game birds are being shipped:
 - i. Name of the person or common carrier transporting the shipment, and
 - ii. Name of the person receiving the shipment.
 7. Maintain records of all game birds possessed under the license for a period of three years. In addition to the information required under subsections (H)(5)(a) through (H)(5)(d), the records shall also include:
 - a. The game bird license holder's:
 - i. Name;
 - ii. Mailing address;
 - iii. Telephone number; and
 - iv. Special license number;
 - b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the game bird activity;
 - c. Copies of the annual report required under subsection (I);
 8. Dispose of game birds only as authorized under this Section or as directed by the Department.
- I.** A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
 2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.

4. The annual report shall include all of the following information, as applicable:
 - a. Number of all game birds, by species and the date it was obtained;
 - b. Source of all game birds and the date the game bird was obtained;
 - c. Number of offspring propagated by all game birds; and
 - d. For all game birds disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- J.** A game bird license holder shall comply with the requirements established under R12-4-428.
- K.** A game bird released under a game bird license may be taken with any method designated under R12-4-304.
- L.** A game bird released under a game bird license and found outside of the location specified on the license shall become property of the State and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

R12-4-415. Game Bird Field Trial License Repeal

- ~~A.~~** ~~A game bird field trial license allows an individual to release and take released live pen-reared game birds specified on the license for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event. It also allows the import or purchase within the state, possession, and transport of the game birds specified on the license for one field trial event. Game birds may be possessed alive by the license holder after the field trial event until December 31 of the year the license was issued. Game birds possessed alive subsequent to the field trial event may be transported and may be given away, exported, or killed.~~
- ~~B.~~** ~~An individual shall apply for a game bird field trial license on a form provided by the Department. An applicant shall submit the following on the application:~~
- ~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
 - ~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use the wildlife for an activity sponsored by an organization, the name of the organization, and the name, address, and telephone number of the organization chair or local chapter;~~
 - ~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
 - ~~a. Chukar, *Alectoris chukar*;~~
 - ~~b. Mallard duck, *Anas platyrhynchos*;~~
 - ~~c. Northern bobwhite, *Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and~~
 - ~~d. Ringneck and whitewing pheasant, *Phasianus colchicus*;~~

4. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
 5. ~~A description of how the license holder will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
 6. ~~The beginning date of the event. A game bird field trial event shall not last longer than 10 consecutive days;~~
 7. ~~The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant is applying to release wildlife at multiple locations, the applicant shall provide the name, address, and telephone number of each location or the physical description of the location, including township, range, and section;~~
 8. ~~The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;~~
 9. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- C.** ~~The Department shall issue a game bird field trial license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field trial license if:~~
1. ~~Escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety;~~
 2. ~~There is already an established wild population of upland game birds at the site where the field trial event is planned to take place, and the wild population is the same species as the wildlife listed on the license;~~
 3. ~~The release of game birds interferes with wildlife or habitat restoration programs; or~~
 4. ~~The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.~~
- D.** ~~Each shipment of game birds imported shall be accompanied by a certificate of health from a licensed veterinarian for the shipment.~~
- E.** ~~A game bird field trial license holder shall only hold a field trial event at the location specified on the license, and shall only release or take the species of game birds specified on the permit.~~
- F.** ~~Any released game birds not taken or recovered during the dates specified on the license become property of the state, and shall not be taken under a game bird field trial license.~~
- G.** ~~A hunting license is not required to participate in a field trial event held under the provisions of this Section. The license holder or a representative for the license holder shall have the field trial license in possession during the event specified on the license. Released wildlife may be taken by any method not prohibited in under R12-4-303.~~

- H.** ~~The license holder shall ensure that wildlife being transported from a field trial event have a tag or label affixed to each container of live birds, carcass, or package that lists the following:~~
- ~~1. The name of the license holder,~~
 - ~~2. The date of shipment or transport,~~
 - ~~3. The number of animals per species of wildlife, and~~
 - ~~4. The name of the individual or common carrier transporting them and the name and address of the individual who will receive the shipment.~~
- I.** ~~A game bird field trial license holder shall submit a report to the Department within 30 days following the event that specifies the species and number of birds per species released and retaken. The license holder shall maintain a list of names and addresses of participants for inspection by the Department.~~
- J.** ~~A field trial license holder is subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-416. Game Bird Field Training Permit Repeal

- A.** ~~A game bird field training permit allows an individual to release and take of released live pen-reared game birds specified on the permit for the purpose of training a dog or raptor to hunt. Game birds may be purchased within the state, or imported if the shipment is accompanied by a certificate of health issued by a licensed veterinarian. Game birds possessed under this Section may be transported, given away, exported or killed.~~
- B.** ~~An applicant shall apply on a form provided by the Department. The form requires that the following be provided by the applicant:~~
- ~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
 - ~~2. The wildlife species and the number of animals per species that will be used under the permit. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a permit for the following game bird species:~~
 - ~~a. Chukar, *Alectoris chukar*;~~
 - ~~b. Mallard duck, *Anas platyrhynchos*;~~
 - ~~c. Northern bobwhite, *Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and~~
 - ~~d. Ringneck and whitewing pheasant, *Phasianus colchicus*.~~
 - ~~3. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
 - ~~4. A description of how the applicant will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
 - ~~5. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant applies to release wildlife at more than one location, the applicant shall submit a separate application for~~

each location;

6. ~~A range of dates within which training may take place;~~
 7. ~~The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;~~
 8. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- ~~C. The Department shall issue a game bird field training permit in compliance with R12-4-106. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field training permit if:~~
1. ~~There is already an established wild population of upland game birds at the site where the field training event is planned to take place, and the wild population is the same species as the wildlife listed on the license;~~
 2. ~~The release of game birds interferes with wildlife or habitat restoration programs, or~~
 3. ~~The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.~~
- ~~D. An applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf. An individual that has had wildlife privileges revoked in this state, any other state, or by the United States is not eligible to be agent. An agent is subject to the stipulations on the applicant's permit. The permit holder is responsible for acts of the agents if they fall within the requirements of this Section.~~
- ~~E. A game bird field training permit holder may make a written request to amend the permit to add or delete an agent at any time during the license period. The permit holder shall obtain written authorization from the Department before designating any additional agents.~~
- ~~F. A game bird field training permit holder shall notify the Department in writing within 10 calendar days of terminating an agent.~~
- ~~G. A game bird field training permit holder shall have the permit in possession and a permit holder's authorized agent shall have a copy of the permit in possession while conducting the activities authorized by the permit. The permit holder and agents shall make the permit and any copies of a permit available for Department inspection when conducting permitted activities.~~
- ~~H. A permit holder shall release authorized wildlife only at the location specified on the permit. Any released game birds not taken or recovered after the field training activity become property of the state and shall not be taken under a game bird field training permit.~~
- ~~I. A hunting license is not required to take game birds released under the provisions of this Section.~~
- ~~J. A field training permit holder is subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-417. Wildlife Holding License

- ~~A. A wildlife holding license authorizes an individual to: possess, transport, import, display for educational~~

~~purposes, photograph for commercial purposes, purchase, propagate, export, give away, or euthanize either restricted live wildlife or live wildlife lawfully held under a hunting or fishing license for purposes listed in subsection (B). An individual shall perform only those authorized activities that are specifically stated on the license with the specific live wildlife listed on the license. The Department shall not issue a wildlife holding license to an individual for the use of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430.~~

B. ~~The Department shall issue a wildlife holding license only if the Department determines that issuing the license is in the best interest of the wildlife, it will not adversely impact other wildlife in this state, and it does not pose a threat to public health or safety, and only for the following purposes:~~

- ~~1. The advancement of science, wildlife management, or promotion of public health or welfare;~~
- ~~2. Education;~~
- ~~3. To photograph for a commercial purpose live wildlife that is already possessed under the authority of R12-4-404, or already possessed under this Section, but only if:~~
 - ~~a. The wildlife will be photographed without posing a threat to other wildlife or the public;~~
 - ~~b. The photography will not adversely impact other affected wildlife in this state, and~~
 - ~~c. The applicant meets the criteria prescribed in subsection (C); or~~
- ~~4. To lawfully possess restricted live wildlife if:~~
 - ~~a. It is necessary for an individual to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or~~
 - ~~b. It is requested to lawfully possess restricted live wildlife that was possessed under another special license, and the primary purpose for that special license no longer exists.~~

C. ~~An applicant for a wildlife holding license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:~~

- ~~1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;~~
- ~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;~~
- ~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;~~
- ~~4. An applicant for a wildlife holding license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the primary purposes listed in subsection (B). If the applicant is applying to possess restricted live wildlife to give humane treatment, the applicant shall also explain in the written statement why the wildlife is unable to~~

- ~~meet its own needs in the wild. If the Department determines that humane treatment is necessary as grounds for issuance of a wildlife holding license, the Department has the authority to authorize the appropriate disposition of the wildlife for humane treatment, including care, placement, or euthanasia;~~
- ~~5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;~~
 - ~~6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or the applicant's experience that may be relevant to handling or providing care for wildlife;~~
 - ~~7. The name, address, and telephone number of the facility where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the facility, including township, range, and section. If the applicant applies to hold wildlife in more than one facility, the applicant shall submit a separate application for each facility;~~
 - ~~8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
 - ~~9. The dates that the applicant will begin and end holding wildlife;~~
 - ~~10. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity in subsection (C)(4) ends; and~~
 - ~~11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- D.** ~~The Department shall issue a wildlife holding license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).~~
- E.** ~~The Department has the authority to require that a wildlife holding license holder permanently mark any restricted live wildlife that is used for lawful activities under the authority of the license if the Department determines it is in the best interest of the public and the wildlife. If the Department exercises this authority, the marking requirement will be specified on the license.~~
- F.** ~~A wildlife holding license holder shall ensure that restricted live wildlife, offspring of restricted live wildlife, or their parts obtained or held under the authority of the license are not sold, offered for sale, traded, bartered, loaned for the purposes of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.~~
- G.** ~~A wildlife holding license is no longer valid once the primary purpose for which it was issued, as prescribed in subsection (B), no longer exists. The wildlife holding license holder shall submit a report to the Department as prescribed in subsection (J).~~
- H.** ~~A wildlife holding license holder shall ensure that a copy of the license accompanies any shipment of wildlife made under the authority of the license.~~
- I.** ~~The Department may conduct reasonable inspections of the facilities as described in R12-4-409(G) where wildlife are held under a wildlife holding license.~~

- ~~J. Before January 31 of each year, a wildlife holding license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife holding license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:~~
- ~~1. A list of each animal by species held during the year, including the source and date the wildlife was acquired;~~
 - ~~2. If applicable, the permanent mark or identifier of the wildlife, such as name, number, or another identifier as prescribed in subsection (E) for each animal held during the year. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;~~
 - ~~3. Whether the wildlife is alive or dead;~~
 - ~~4. The current location of the wildlife; and~~
 - ~~5. A list of all educational displays where the wildlife held under this license was utilized during the year, including the date, location, organization or audience, approximate attendance, and wildlife used.~~
- ~~K. A wildlife holding license expires on December 31 of the year that it was issued, or if the license holder is a representative of an institution, organization, or agency stated in (C)(2), upon termination of affiliation with that entity, whichever comes first.~~
- ~~L. A wildlife license holder shall comply with R12-4-409, R12-4-428, and R12-4-430.~~
- A. A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:
1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
 2. Collected under a valid scientific collecting license issued under R12-4-418,
 3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
 4. Or as otherwise authorized by the Department.
- B. A wildlife holding license expires on December 31 of the year issued, or, if the license holder is a representative of an institution, organization, or agency stated under subsection (C)(4), upon termination of affiliation with that entity, whichever comes first.
- C. A wildlife holding license is valid for the following purposes, only:
1. Advancement of science;
 2. Lawfully possess restricted live wildlife when it is:
 - a. Necessary to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or
 - b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
 3. Promotion of public health or welfare;
 4. Provide education under the following conditions:
 - a. The applicant is an educator affiliated or partnered with an educational organization; and

- b. The educational organization permits the use of live wildlife.
5. Photograph for a commercial purpose live wildlife provided:
 - a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
 - b. The photography will not adversely impact other affected wildlife in this state, or
6. Wildlife management.
- D. The Department shall deny an application for a wildlife holding license for the possession of cervids.
- E. In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.
- F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:
 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G. The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:
 1. It is in the best interest of the wildlife; or
 2. The issuance of the license will adversely impact other wildlife or their habitat in the state.
- H. A person applying for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. The applicant shall provide the following information:
 1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Department ID number, when applicable;
 2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address; and
 - d. Telephone number;

3. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number;
4. For wildlife to be used under the license:
 - a. Common name of the wildlife species;
 - b. Number of animals for each species;
 - c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
 - d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;
5. For wildlife to be used for educational purposes:
 - a. The affiliated educational institution's:
 - i. Name;
 - ii. Federal Tax Identification Number;
 - iii. Mailing address; and
 - iv. Telephone number of the educational institution;
 - b. A copy of the established curriculum utilizing sound educational objectives; and
 - c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.
6. For each location where the applicant proposes to hold the wildlife, the owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
8. The dates that the applicant will begin and end holding wildlife;
9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;
10. Any other information required by the Department; and
11. The acknowledgment required under R12-4-409(C).
12. For subsection (7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the

description, diagram, and photographs of the facilities.

I. In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:

1. Evidence of lawful possession, as defined under R12-4-401;
2. A statement of the applicant's experience in handling and providing care for the wildlife to be held or experience relevant to handling or providing care for wildlife;
3. A written proposal that contains all of the following information:
 - a. A description of the activity the applicant intends to perform under the license;
 - b. Purpose for the proposed activity;
 - c. The contribution the proposed activity will make to one or more of the primary purposes listed under subsection (C).
 - d. For an applicant who wishes to possess restricted live wildlife for the purpose of providing humane treatment, a written explanation stating why the wildlife is unable to meet its own needs in the wild and the following information for the licensed veterinarian who will provide care for the wildlife:
 - i. Name;
 - ii. Mailing address; and
 - iii. Telephone number;

J. An applicant for a wildlife holding license shall pay all applicable fees required under R12-4-412.

K. A wildlife holding license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
3. Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and present it for inspection upon the request of any Department employee or agent.
4. Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.
5. Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.
6. Surrender wildlife held under the license to the Department upon request.

K. A wildlife holding license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year or as indicated under subsection (N). The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.

3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 4. The annual report shall include all of the following information, as applicable:
 - a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
 - b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
 - c. Whether the wildlife is alive or dead.
 - d. The current location of the wildlife.
 - e. A list of all educational displays where the wildlife was utilized to include the date, location, organization or audience, approximate attendance, and wildlife used.
- L.** A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
 2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
 3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
 4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions:
 - a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
 - b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.
- M.** A wildlife holding license holder shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or dispose of any restricted live wildlife, offspring of restricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.
- N.** A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (K) to the Department.
- O.** A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

R12-4-418. Scientific Collecting ~~Permit~~ License

- ~~A.~~** ~~A scientific collecting permit allows an individual to take, possess, transport, photograph for noncommercial~~

purposes, and display for educational purposes the live wildlife specified on the permit, subject to the conditions specified in subsection (B). A permit holder shall not exhibit wildlife held under the permit. The Department shall issue a scientific collecting permit only if:

1. ~~The permit is for the purpose of wildlife management; gathering information valuable to the maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;~~
2. ~~The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety;~~
3. ~~The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and~~
4. ~~The applicant has submitted an acceptable typewritten, computer or word processor printed, or legibly handwritten project proposal as part of the application form required in subsection (C).~~

B. ~~Scientific collecting permits are subject to the following conditions:~~

1. ~~A scientific collecting permit holder shall only take wildlife under the permit using the least onerous, practical method possible, and shall:~~
 - a. ~~Take wildlife at the locations and time periods specified on the permit by any method prescribed by R12-4-304 or R12-4-313;~~
 - b. ~~Not take wildlife by using a stupefying or deleterious substance, electroshock, pitfall trap, leghold trap, snare, or net unless specifically authorized on the permit; and~~
 - c. ~~Not take wildlife at night by using a firearm unless authorized by the permit.~~
2. ~~If it is in the best interest of the wildlife or public safety, the Department has the authority to:~~
 - a. ~~Rescind or modify any method of take authorized by the permit;~~
 - b. ~~Restrict the number of animals per species or other taxa that may be taken under the permit;~~
 - c. ~~Restrict the age or condition of wildlife that may be taken under the permit;~~
 - d. ~~Deny or substitute the number of specimens and taxa requested on an application.~~
3. ~~A scientific collecting permit holder shall dispose of wildlife as follows:~~
 - a. ~~If the wildlife was not removed from the area where it was taken, by releasing it;~~
 - b. ~~If the wildlife was removed from the area where it was taken, by releasing the wildlife in a location previously approved by the Department; or~~
 - c. ~~As otherwise stipulated or directed in writing by the Department.~~
4. ~~Wildlife, its parts, or its offspring obtained or held under the authority of the license shall not be sold, offered for sale, traded, bartered, loaned for the purpose of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.~~

C. ~~An applicant for a scientific collecting permit shall apply on a form provided by the Department and available from any Department office, and shall return a completed form to the Department's Phoenix Headquarters. The applicant shall provide the following information:~~

1. ~~Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~

2. ~~If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;~~
3. ~~If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution and the applicant's title or a description of the nature of affiliation with the institution or organization;~~
4. ~~A typewritten, computer or word processor printed, or legibly handwritten proposal, not to exceed three pages, that states:~~
 - a. ~~The activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the purposes specified in subsection (A)(1) above;~~
 - b. ~~If the applicant is applying for a permit to make a contribution to education, the applicant shall also state in the proposal the minimum number of presentations that the applicant anticipates to make during the period that the permit is valid; the name, title, address, and telephone number of individuals whom the applicant has contacted in order to hold educational presentations; and if applicable, the number of specimens of the species requested that the applicant already possesses.~~
 - c. ~~The applicant's qualifications for completing the project;~~
 - d. ~~The methods of take that the applicant will use to complete the project, justification for using that method, and whether the applicant proposes to:~~
 - i. ~~Salvage specimens found dead;~~
 - ii. ~~Collect specimens alive and keep them;~~
 - iii. ~~Collect specimens by killing them; or~~
 - iv. ~~Collect specimens alive at the site where taken without transporting them from that site after photographing, banding, or marking them with rings, collars, brands or other markings;~~
 - e. ~~The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species or wildlife of a higher taxon, the applicant shall list each species and the number of animals per species;~~
 - f. ~~The location where collection will take place;~~
 - g. ~~How the applicant will dispose of wildlife or offspring of wildlife, if applicable, as prescribed by subsection (B)(3);~~
 - h. ~~The names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal. An applicant may request that one or more individuals be authorized to act as an agent on the applicant's behalf, provided that:~~
 - i. ~~An employment or supervisory relationship exists between the applicant and the agent, and~~
 - ii. ~~The agent's privilege to take or possess live wildlife is not suspended or revoked by any state.~~
 - i. ~~A schedule of activities and the completion date of the project; and~~
 - j. ~~Whether the applicant intends to publish the project or its findings;~~
5. ~~If the applicant is renewing the wildlife holding license, the species and number of animals per species that~~

- are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
6. ~~A statement of the applicant's experience in handling and providing care for the wildlife to be held or of the applicant's experience that may be relevant to handling or providing care for wildlife;~~
 7. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~
 8. ~~A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
 9. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- D.** ~~The Department shall issue a scientific collecting permit in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).~~
- E.** ~~Before January 31 of each year or as otherwise required by R12-4-409(O), a scientific collecting permit holder shall file a written report on activities performed under the license for the previous calendar year. A scientific collecting permit holder shall submit an annual report on a form containing the information prescribed by R12-4-409(O). The Department may stipulate submission of additional interim reports upon license application or renewal.~~
- F.** ~~An agent of a scientific collecting permit holder is subject to stipulations placed on the applicant's permit at the time of application. The permit holder is responsible for acts of the agents that fall within the authority of this Section. The Department, acting on behalf of the Commission, may suspend or revoke a permit for violation of this Section by an agent.~~
- G.** ~~A scientific collecting permit holder and the permit holder's agents shall have the permit or a legible copy in their possession and available for Department inspection while conducting activities authorized under the scientific collecting permit.~~
- H.** ~~A scientific collecting permit holder may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (B)(4)(h).~~
- I.** ~~A scientific collecting permit holder shall notify the Department in writing within 10 calendar days of terminating any agent.~~
- A.** A scientific collecting license allows a person to conduct any of the following activities with live wildlife when specified on the license:
1. Display,
 2. Photograph for noncommercial purposes,
 3. Possess,
 4. Propagate,

5. Take,
 6. Transport, and
 7. Use for educational purposes.
- B.** The Department issues three types of scientific collecting licenses:
1. Personal,
 2. Consultant, and
 3. Government, which includes educational and research institutions.
- C.** A person may apply for a scientific collecting license only when the license is requested for:
1. The purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare;
 2. A purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety; and
 3. A purpose that does not unnecessarily duplicate previously documented projects.
- D.** A scientific collecting license expires on December 31.
- E.** For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
1. Rescind or modify any method of take authorized by the license;
 2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
 3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
 4. Deny or substitute the number of specimens and taxa requested on an application.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific collecting license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department may deny a scientific collecting license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's scientific collecting privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a scientific collecting license when it is in the best interest of the wildlife or public safety.
- H.** A person applying for a scientific collecting license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available from any Department office, and online at www.azgfd.gov. A

person applying for a scientific collecting license shall provide the following information on the application:

1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Department ID number; when applicable;
 2. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address;
 - d. Telephone number of the institution; and
 - e. The applicant's title or a description of the nature of affiliation with the institution or organization;
 3. When the applicant is renewing the scientific collecting license, the species and number of animals for each species currently held in captivity;
 4. For each the location where the wildlife will be held, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
 5. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
 6. Any other information required by the Department; and
 7. The acknowledgment required under R12-4-409(C).
 8. For subsection (5), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.
- I.** In addition to the requirements listed under subsection (H), at the time of application, an applicant for a scientific collecting license shall also submit a written proposal. The written proposal shall contain all of the following information:
1. List of activities the applicant intends to perform under the license;
 2. Purpose for the use of wildlife as established under subsection (C);
 3. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
 - a. Minimum number of presentations the applicant anticipates to provide under the license

- b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
 - c. Number of specimens the applicant already possesses for any species requested on the application;
- 4. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
- 5. Methods of take that the applicant will use, to include:
 - a. Justification for using the method, and
 - b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;
- 6. Number of animals for each species that will be used under the license;
- 7. Locations where collection will take place;
- 8. Names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal.
- 9. Project completion date; and
- 10. Whether the applicant intends to publish the project or its findings.
- K.** An applicant for a scientific collecting license shall pay all applicable fees required under R12-4-412.
- L.** A scientific collecting license holder shall:
 - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 - 2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific collecting license and present it for inspection upon the request of any Department employee or agent.
 - 3. Notify the Department in writing within 10 calendar days of terminating any agent.
 - 4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
 - 5. Conduct activities authorized under the scientific collecting license only at the locations and time periods specified on the scientific collecting license.
 - 6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.
- M.** A scientific collecting license holder shall not exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.
- N.** A scientific collecting license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific collecting license by submitting a written request to the Department.
 - 1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
 - a. An employment or supervisory relationship exists between the applicant and the agent, and
 - b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.

2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
 3. The license holder is liable for all acts the agent performs under the authority of this Section.
 4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
 5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the scientific collecting license and presents it for inspection upon the request of any Department employee or agent.
- N.** A scientific collecting license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.
- O.** A scientific collecting license holder shall submit an annual report to the Department before January 31 of each year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
 2. The scientific collecting license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 4. The Department may stipulate submission of additional interim reports upon license application or renewal.
- P.** A scientific collecting license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

R12-4-419. Game Bird Hobby License Repeal

- ~~A.~~** ~~A game bird hobby license allows an individual to do any or all of the following: import, purchase, possess, propagate, give away, kill, transport, or export pen reared live game birds for personal, noncommercial use only. Game birds may also be displayed for noncommercial purposes under this license, but shall not be exhibited.~~
- ~~B.~~** ~~An applicant for a game bird hobby license shall apply on a form provided by the Department and available at any Department office. The applicant shall provide the following:~~
1. ~~Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
 2. ~~The wildlife species and the number of animals per species that will be obtained under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
 - a. ~~Blue grouse, Dendragapus obscurus;~~
 - b. ~~California or valley quail, Callipepla californica;~~

- e. ~~Chukar, *Alectoris chukar*;~~
 - d. ~~Gambel's quail, *Callipepla gambelii*;~~
 - e. ~~Montezuma or Mearns' quail, *Cyrtonyx montezumae*;~~
 - f. ~~Northern bobwhite, *Colinus virginianus*, which only requires a game bird hobby license if used in game management units 34A, 36A, 36B, and 36C;~~
 - g. ~~Ringneck and whitewing pheasant, *Phasianus colchicus*;~~
 - h. ~~Scaled quail, *Callipepla squamata*;~~
3. ~~If the applicant is renewing the game bird hobby license, the species and number of animals per species that are currently in captivity;~~
 4. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
 5. ~~If the applicant is applying to possess more than 50 game birds, the application shall include a detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12 4 428, and any other captivity standards that may be prescribed by this Section;~~
 6. ~~The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~
 7. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- ~~C. The Department shall issue a game bird hobby license in compliance with R12 4 106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12 4 409(D). The Department shall issue a game bird hobby license only if:~~
1. ~~A possible escape of the proposed species would not create a threat to native wildlife;~~
 2. ~~The purpose for the license is in the best interest of the wildlife or the species; and~~
 3. ~~The license may be issued without posing a threat to public health or safety.~~
- ~~D. Game bird hobby licenses are subject to the provisions of R12 4 409 and R12 4 428.~~

R12-4-420. Zoo License

- ~~A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12 4 430, a zoo license allows an individual to perform all of the following: exhibit, display for educational purposes, import, purchase, export, possess, propagate, euthanize, transport, give away, offer for sale, sell, or trade restricted live wildlife and other Arizona wildlife legally possessed, subject to the following restrictions:~~
1. ~~A zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary exhibit. A temporary exhibit shall not exceed 60~~

~~consecutive days at any one location.~~

- ~~2. A zoo license holder shall only dispose of restricted live wildlife in this state by selling, giving, or trading it to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under R12-4-413, to a medical or scientific research facility exempted under R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.~~
- ~~3. A zoo license holder shall not accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.~~
- ~~4. A zoo license holder shall dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.~~
- ~~5. A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping from the facilities specified on the license, and to prevent the entry of unauthorized individuals or other wildlife.~~

~~B. The Department shall issue a zoo license only for the following purposes:~~

- ~~1. The advancement of science, wildlife management, or promotion of public health or welfare;~~
- ~~2. Education; or~~
- ~~3. Conservation, or maintaining a population of wildlife threatened with extinction in the wild.~~

~~C. An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:~~

- ~~1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;~~
- ~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;~~
- ~~3. The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;~~
- ~~4. An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:
 - ~~a. How the facility or operation meets the definition of a zoo, as stated in A.R.S. § 17-101; and~~
 - ~~b. The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);~~~~
- ~~5. If the applicant is renewing the zoo license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in A.R.S. § 17-101;~~
- ~~6. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;~~
- ~~7. The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~

- ~~8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. The Department shall not approve a license application until the wildlife holding facility satisfies a Department inspection; and~~
- ~~9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- ~~D. The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:~~
 - ~~1. It is in the best interest of the wildlife, and~~
 - ~~2. Issuance of the license will not adversely impact other wildlife in the state.~~
- ~~E. A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.~~
- ~~F. A zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.~~
- ~~G. Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in compliance with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.~~
- ~~H. A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.~~
- ~~I. A zoo license holder is subject to R12-4-409, R12-4-428, and R12-4-430.~~
- A. A zoo license allows a person to exhibit, export, euthanize, display for educational purposes, give away, import, offer for sale, possess, propagate, purchase, sell, or transport any lawfully possessed restricted and nonrestricted live wildlife.
- B. A person may apply for a zoo license only when the license is requested for:
 1. Advancement of science or wildlife management.
 2. Promotion of public health or welfare;
 3. Public education; or
 4. Wildlife conservation.
- C. A zoo license expires on December 31.
- D. In addition to the requirements established under this Section, a zoo license holder shall comply with the special license requirements established under R12-4-409.
- E. The license holder shall be responsible for compliance with all applicable regulatory requirements; the zoo license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F.** The Department shall deny a zoo license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a zoo license when:
1. It is in the best interest of the wildlife; or
 2. The issuance of the license will adversely impact other wildlife or their habitat in the state;
- G.** A person applying for a zoo license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:
1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number;
 - d. Federal Tax Identification Number; and
 - e. Department ID number, when applicable;
 2. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address;
 - d. Telephone number;
 3. Wildlife species to be held under the license:
 - a. Common and current scientific name of the wildlife species; and
 - b. Number of animals for each species;
 4. If the applicant is renewing the zoo license, the number of animals of each species that are currently in captivity, and evidence of lawful possession as defined under R12-4-401;
 5. For each location where the wildlife will be used, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and

- d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
 - 6. A detailed description and diagram of the facilities where the applicant will hold the wildlife; and a description of how the facilities comply with the requirements established under R12-4-428;
 - 7. Any other information required by the Department; and
 - 8. The acknowledgment required under R12-4-409(I).
- H.** In addition to the requirements listed under subsection (G), an applicant shall also submit at the time of application:
 - 1. A written proposal that contains the following:
 - a. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101; and
 - b. The purpose of the license, as established under subsection (B);
 - 2. Proof of current licensing by the United States Department of Agriculture under 9 C.F.R. Subchapter A, Animal Welfare;
 - 3. Photographs of the facility when the zoo is not accredited by the Association of Zoos and Aquariums or Zoological Association of America.
- I.** An applicant for a zoo license shall pay all applicable fees established under R12-4-412.
- J.** A zoo license holder shall:
 - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 - 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
 - 3. Ensure each facility is inspected by the attending veterinarian at least once every year.
 - 4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.
 - 5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.
 - 6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:
 - a. To or from a temporary exhibit;
 - b. For medical treatment; or
 - c. Other activities approved by the Department in writing.
 - 7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the Department in writing.
 - 8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
 - 9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display.

Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.

10. Dispose of the following wildlife only as directed by the Department:

- a. Wildlife obtained under a scientific collecting permit; or
- b. Wildlife loaned to the zoo by the Department.

11. Maintain records of all wildlife possessed under the license for a period of three years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:

- a. Number of all restricted live wildlife, by species and the date it was obtained;
- b. Source of all restricted live wildlife and the date it was obtained;
- c. Number of offspring propagated by all restricted live wildlife; and
- d. For all restricted live wildlife disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Method of disposition.

K. A zoo license holder shall not:

- 1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
- 2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(7).

L. A zoo license holder shall dispose of restricted live wildlife in this state by:

- 1. Giving, selling, or trading the wildlife to:
 - a. Another zoo licensed under this Section;
 - b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country;
- 2. Giving, selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;
- 3. Exporting the wildlife to a zoo certified by the American Zoo and Aquarium Association or Zoological Association of America; or
- 4. As otherwise directed by the Department.

M. A zoo license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.

- 1. A report is required regardless of whether or not activities were performed during the previous year.
- 2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
- 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
- 4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife

held under the license.

- N.** A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
1. Held under the previous year's zoo license and included in the previous annual report, or
 2. Authorized in advance by the Department in writing.
- O.** A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.

R12-4-421. Wildlife Service License

- A.** ~~Any individual or company that provides, advertises, or offers assistance with nuisance wildlife to the general public with or without a fee shall obtain a wildlife service license. A wildlife service license allows an individual to capture, remove, transport, and relocate to the wild designated live wildlife if the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well being of the wildlife is threatened by its immediate environment. A wildlife service license holder may euthanize designated wildlife, but only as prescribed by the Department. For the purposes of this Section, the following are designated live wildlife:~~
- ~~1. Furbearing wildlife;~~
 - ~~2. Javelina (Tayassu tajacu);~~
 - ~~3. Nongame wildlife;~~
 - ~~4. Predatory wildlife; and~~
 - ~~5. Small game wildlife.~~
- B.** ~~An employee of a governmental public safety agency or incorporated business authorized to provide public safety measures is not required to possess a wildlife service license if the employee is acting within the scope of the employee's official duties.~~
- C.** ~~An applicant for a wildlife service license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:~~
- ~~1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;~~
 - ~~2. If the applicant will perform license activities for a commercial purpose, the name, address, telephone number, and hours and days of the week when the applicant will be available for service of the applicant's business;~~
 - ~~3. The designated wildlife species or groups of species listed in subsection (A) that will be used under the license;~~
 - ~~4. The methods that the wildlife license holder will use to perform authorized activities;~~
 - ~~5. A typewritten, computer or word processor printed, or legibly handwritten description of the following:~~
 - ~~a. The applicant's experience in the capture, handling, and removal of wildlife;~~
 - ~~b. Specific species that the applicant has had experience capturing, handling, or removing;~~

- c. ~~The general location and dates when the activities listed in subsection (C)(5)(b) were performed;~~
 - d. ~~The methods used to carry out the activities; and~~
 - e. ~~The methods used to dispose of the wildlife;~~
- 6. ~~The general geographic area where services will be performed;~~
- 7. ~~Documentation that clearly proves that the applicant has a minimum of six months of full time employment or volunteer experience handling wildlife of the species or groups of species listed in subsection (C)(3); and~~
- 8. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- D.** ~~The Department shall issue a wildlife service license as prescribed in R12-4-106. If the Department denies the application for a wildlife service license, the Department shall proceed as prescribed by R12-4-409(D).~~
- E.** ~~A wildlife service license holder shall possess a copy of the license at all times when performing activities authorized by the license.~~
- F.** ~~A wildlife service license holder shall capture, remove, transport, and relocate designated wildlife as follows:~~
 - 1. ~~In a manner that is least likely to cause injury to the wildlife;~~
 - 2. ~~In a manner that will prevent the wildlife from coming into contact with the general public;~~
 - 3. ~~If the license holder intends to capture, remove, transport, relocate, or euthanize javelina, the license holder shall obtain special authorization from the Department by contacting the Department regional office that has jurisdiction over the area where the activities will be conducted; and~~
 - 4. ~~If the license holder traps wildlife, the license holder shall comply with A.R.S. § 17-361(B) and (C).~~
- G.** ~~A wildlife service license holder may euthanize wildlife taken under authority of the license only if authorized to do so under the license. If authorized, the license holder shall euthanize the wildlife by the safest, quickest, and most humane method available. Unless otherwise stipulated in the license, a license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license by burial or incineration within 30 days of death.~~
- H.** ~~Except as allowed by R12-4-427, a wildlife service license holder shall not possess designated wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, or to provide euthanization. Wildlife shall not be displayed or exhibited at any time when it is possessed under this license.~~
- I.** ~~A wildlife service license holder shall release captured designated wildlife as follows:~~
 - 1. ~~Without immediate threat to the animal or injurious contact with humans;~~
 - 2. ~~During an ecologically appropriate time of year;~~
 - 3. ~~Into a habitat suitable for sustaining it;~~
 - 4. ~~In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat;~~
 - 5. ~~In an area designated by the Department regional office that has jurisdiction over the area where it was captured; or~~
 - 6. ~~Injured or orphaned wildlife may be given to an Arizona wildlife rehabilitation license holder.~~

- ~~J. A wildlife service license holder shall inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.~~
- ~~K. A wildlife service license holder may, at any time during the license period, make a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A).~~
- ~~L. A wildlife service license holder that seeks renewal of a wildlife service license without change to the species or species groups that the license holder is authorized to handle under the license may reference supporting materials submitted previously, rather than submitting copies of the materials with the application for renewal.~~
- ~~M. Before January 31 of each year, a wildlife service license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife service license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include a list of all services performed under the license during the preceding calendar year, including for each service:~~
- ~~1. The date and location of service;~~
 - ~~2. The number and species of wildlife removed, and~~
 - ~~3. The method of disposition for each animal removed, including the location and date of release.~~
- ~~N. A wildlife service license holder is subject to R12-4-409 and R12-4-428.~~
- A. A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wildlife:
1. Furbearing animals;
 2. Javelina (*Pecari tajacu*);
 3. Nongame animals;
 4. Predatory animals; and
 5. Small game.
- B. A wildlife service license is not required when conducting pest control removal services authorized under A.R.S. § Title 32, Chapter 22 for the following wildlife not protected under federal regulation:
1. Rodents, except those in the family Sciuridae;
 2. European starlings;
 3. Peach-faced love birds;
 4. House sparrows;
 5. Eurasian collared-doves; and
 6. Any other non-native wildlife species.
- C. A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.

- D. The wildlife service license expires on December 31.
- E. An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.
- F. In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.
- G. The license holder shall be responsible for compliance with all applicable regulatory requirements; the wildlife service license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H. The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.
- I. A person applying for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:
1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number;
 - d. Physical description, to include the applicant's eye color, hair color, height, and weight; and;
 - e. Department ID number, when applicable;
 2. If the applicant will perform license activities for a commercial purpose, the applicant's business:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address;
 - d. Telephone number; and
 - e. Hours and days of the week the applicant will be available for service;
 3. The designated wildlife species or groups of species listed under subsection (A) that will be used under the license;
 4. The methods that the wildlife license holder will use to perform authorized activities;
 5. The general geographic area where services will be performed;
 6. Any other information required by the Department; and

7. The acknowledgment required under R12-4-409(I).

J. In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:

1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
2. A written proposal that contains all of the following information:
 - a. Applicant's experience in the capture, handling, and removal of wildlife;
 - b. Specific species the applicant has experience capturing, handling, or removing;
 - c. General location and dates when the activities were performed;
 - d. Methods used to carry out the activities; and
 - e. The methods used to dispose of the wildlife.

K. When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).

L. An applicant for a wildlife service license shall pay all applicable fees established under R12-4-412.

M. A wildlife service license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Facilitate the removal and relocation of designated wildlife in a manner that:
 - a. Is least likely to cause injury to the wildlife; and
 - b. Will prevent the wildlife from coming into contact with the general public.
3. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
4. Release captured designated wildlife only as follows:
 - a. Without immediate threat to the animal or potentially injurious contact with humans;
 - b. During an ecologically appropriate time of year;
 - c. Into a suitable habitat;
 - d. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat; and
 - e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
5. Euthanize the wildlife using the safest, quickest, and most humane method available.
6. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
7. Possess the license or legible copy of the license while conducting any wildlife service activity and present it for inspection upon the request of any Department employee or agent.
8. Inform the Department in writing within five working days of any change in telephone number, area of

service, or business hours or days.

- N.** A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.
- O.** A wildlife service license holder shall not:
1. Exhibit wildlife or parts of wildlife possessed under the license.
 2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
 3. Retain any parts of wildlife.
- P.** A wildlife service license holder may:
1. Euthanize designated wildlife only when authorized by the Department.
 2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.
- Q.** A wildlife service license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
 2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 4. The annual report shall provide a list of all services performed under the license to include:
 - a. The date and location of service;
 - b. The number and species of wildlife removed, and
 - c. The method of disposition for each animal removed, including the location and date of release.
- R.** A wildlife service license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

R12-4-422. Sport Falconry License

- A.** In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:

"Abatement services" means the use of raptors possessed under a falconry permit for the control of nuisance species.

"Captive-bred raptor" means a raptor hatched in captivity.

"Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.

~~"Health certificate" means a certification issued by an accredited veterinarian.~~

"Hybrid" has the same meaning as prescribed under 50 C.F.R. 21.3, revised July 1, 2013. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department

office, online at www.gpoaccess.gov, or may be ordered from the U.S. Government Printing Office, Stop: IDCC, Washington, D.C. 20401.

"Imping" means using a molted feather to replace or repair a damaged or broken feather.

"Retrices" means a raptor's tail feathers.

"Sponsor" means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.

"Suitable perch" means a perch that is of the appropriate size and texture for the species of raptor using the perch.

~~"USFWS" means the U.S. Fish and Wildlife Service.~~

"Wild raptor" means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

- B. An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.
1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
 - a. Sport falconry license, and
 - b. Appropriate hunting license.
 2. The sport falconry license is valid until the third December from the date of issuance.
 3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.
- C. The Department shall comply with the licensing time-frame established under R12-4-106 ~~to issue a Sport Falconry license and collect the fee established under R12-4-412.~~
- D. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 C.F.R. Part 10.13, ~~revised October 1, 2010, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.~~
- E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F. ~~A Sport Falconry license does not authorize~~ The license holder shall be responsible for compliance with all applicable regulatory requirements; the sport falconry license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or

3. Authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the ~~landowner~~ land owner or land management agency.
- G. The Department shall deny a sport falconry license to ~~an individual~~ a person who fails to meet the requirements established under R12-4-409, R12-4-428, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, ~~Chapter~~ Ch 6, Article 10.
- H. The Department may issue a Sport Falconry license for the following levels to an eligible ~~individual~~ person:
1. Apprentice level license:
 - a. An Apprentice falconer shall:
 - i. Be at least 12 years of age; and
 - ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(v).
 - b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
 - c. An Apprentice falconer is prohibited from possessing any:
 - i. ~~Federally listed threatened or endangered species or subspecies~~ Species listed under Federal Endangered and Threatened Wildlife and Plants, 50 C.F.R. 17.11 and subspecies,
 - ii. Raptor taken from the wild as a nestling,
 - iii. Raptor that has imprinted on humans,
 - iv. Bald eagle (*Haliaeetus leucocephalus*),
 - v. White-tailed eagle (*Haliaeetus albicilla*),
 - vi. Steller's sea-eagle (*Haliaeetus pelagicus*), or
 - vii. Golden eagle (*Aquila chrysaetos*).
 2. General level license:
 - a. A General falconer shall:
 - i. Be at least 16 years of age; and
 - ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
 - b. A General falconer may possess up to three raptors at a time for use in falconry.
 - c. A General falconer is prohibited from possessing a:
 - i. Bald eagle,
 - ii. White-tailed eagle,

- iii. Steller's sea-eagle, or
 - iv. Golden eagle.
- 3. Master level license:
 - a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
 - b. A Master falconer may possess:
 - i. Any species of wild, captive-bred, or hybrid raptor.
 - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
 - iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle.
 - c. A Master falconer is prohibited from possessing:
 - i. More than three eagles
 - ii. A bald eagle, or
 - iii. More than five wild caught raptors.
 - d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
 - i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipiter gentilis*);
 - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
 - iii. Written statements of reference from two ~~individuals~~ persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle.
- I. A sponsor shall:
 - 1. Be at least 18 years of age;
 - 2. Have practiced falconry as a General falconer for at least two years;
 - 3. Sponsor no more than three apprentices during the same period of time;
 - 4. Notify the Department within 30 consecutive days after a sponsorship is terminated;
 - 5. Determine the appropriate species of raptor for possession by an apprentice; and
 - 6. Provide instruction pertaining to the:
 - a. Husbandry, training, and trapping of raptors held for falconry;
 - b. Hunting with a raptor; and
 - c. Relevant wildlife laws and regulations.
- J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license

under ~~R12-4-407(A)(7)~~ R12-4-407(B)(9), unless remaining in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.

1. A falconer licensed in another state shall:
 - a. Comply with all applicable state and federal falconry regulations,
 - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
 - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the U.S. United States is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the ~~State~~ state, whichever occurs first.
4. A falconer licensed in another country shall:
 - a. Comply with all applicable state and federal falconry regulations;
 - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
 - c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
 - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
 - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.

K. ~~An applicant~~ A person applying for a Sport Falconry license shall submit ~~a completed~~ an application to ~~any the~~ Department ~~office~~. The application is furnished by the Department and is available at any Department office ~~or~~ and online at www.azgfd.gov.

1. An applicant shall provide ~~all of~~ the following information on the application:
 - a. Falconry level desired;
 - b. Name;
 - c. Date of birth;
 - d. Mailing address;

- ~~d-e.~~ Telephone number, when available;
 - ~~e.~~ Mailing address;
 - ~~f-f.~~ Department I.D. number ~~or Social Security number~~;
 - ~~h-g.~~ Applicant's physical description, to include the applicant's eye color, hair color, height, and weight;
 - ~~i.~~ Gender;
 - ~~ii.~~ Weight;
 - ~~iii.~~ Eye color;
 - ~~iv.~~ Hair color;
 - ~~i-h.~~ Arizona Hunting license number, when available;
 - ~~j-i.~~ Number of years of experience as a falconer;
 - ~~k-j.~~ Current Falconry license level;
 - ~~l-k.~~ Physical address of a facility when the raptor is kept at another location, when applicable;
 - ~~m-l.~~ Information documenting all raptors possessed by the applicant at the time of application, to include:
 - i. Species;
 - ii. Subspecies, when applicable;
 - iii. Age;
 - iv. Sex;
 - v. Band or microchip number, as applicable;
 - vi. Date and source of acquisition; and
 - ~~n-m.~~ ~~Applicant's signature~~ The acknowledgment required under R12-4-409(C);
 - ~~o-n.~~ Parent or legal guardian's signature, when the applicant is under the age of 18;
 - ~~p-o.~~ Date of application; and
 - ~~q-p.~~ Any other information required by the Department.
2. An applicant shall certify that the applicant has read and is familiar with applicable state laws and rules and the regulations under 50 ~~CFR~~ C.F.R. Part 13 and the other applicable parts in 50 ~~CFR~~ C.F.R. Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.
 3. In addition to the information required under subsection (K)(1), ~~an individual~~ a person applying for:
 - a. An Apprentice level license shall also provide the sponsor's:
 - i. Name,
 - ii. Date of birth,
 - iii. Mailing address,
 - iv. Department I.D. number,
 - v. Telephone number, and
 - ~~v-vi.~~ A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
 - b. A General level license shall also provide:
 - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the

species and period of time each raptor was possessed while licensed as an Apprentice falconer; and

- ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
 - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer for at least five years.
- L.** An applicant for any level Sport Falconry license shall pay all applicable fees established under R12-4-412.
- M.** The Department ~~shall~~ may inspect the applicant's raptor facilities, materials, and equipment to verify compliance with requirements established under R12-4-409(G), R12-4-428, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the facility are present at the time of inspection.
- 1. Department may ~~re-inspect~~ inspect a facility:
 - a. After a change of location, when the Department cannot verify the facility is the same facility as the one approved by a previous inspection, or
 - b. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the facilities can accommodate a new species or additional raptor.
 - 2. A licensed falconer shall notify the Department no more than five business days after changing the location of a facility.
 - 3. When a facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry facility at any reasonable time of day and in the presence of the licensed falconer.
 - 4. A licensed falconer shall ensure the facility:
 - a. Provides a healthy and safe environment,
 - b. Is designed to keep predators out,
 - c. Is designed to avoid injury to the raptor,
 - d. Is easy to access,
 - e. Is easy to clean, and
 - f. Provides access to fresh water and sunlight.
 - 5. In addition to the requirements established under R12-4-409(G) and R12-4-428:
 - a. A licensed falconer shall ensure facilities where raptors are held have:
 - i. A suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
 - ii. At least one opening for sunlight; and
 - iii. Walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the

smallest raptor housed therein, or any other suitable materials approved by the Department.

- b. A licensed falconer shall possess all of the following equipment:
 - i. At least one flexible, weather-resistant leash;
 - ii. One swivel appropriate to the raptor being flown;
 - iii. At least one water container, available to each raptor kept in the facility, that is at least two inches deep and wider than the length of the largest raptor using the container;
 - iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
 - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent facility where the raptor is kept, and
 - vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
 - 6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to unflighted eyas, which do not need to be tethered or otherwise restrained.
 - 7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
 - 8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
 - 9. A licensed falconer may keep a raptor in a temporary facility that the Department has inspected and approved for no more than 120 consecutive days.
 - 10. A licensed falconer may keep a raptor in a temporary facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary facility prior to the end of the 30-day period. The Department may inspect a temporary facility as established under R12-4-409(G).
- N. Prior to the issuance of a Sport Falconry license, an applicant shall:
- 1. Present proof of a previously held state-issued sport falconry license, or
 - 2. Correctly answer at least 80% of the questions on the Department administered written examination.
 - a. ~~An individual~~ A person whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
 - b. ~~An individual~~ A person who holds a falconry license issued in another country shall correctly answer

at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.

- O.** A licensed falconer shall submit electronically a 3-186A form to report:
1. Any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
 - a. Acquisition,
 - b. Banding,
 - c. Escape into the wild without recovery after 30 consecutive days have passed,
 - d. Death,
 - e. Microchipping,
 - f. Rebanding,
 - g. Release,
 - h. Take, or
 - i. Transfer.
 2. ~~A Upon discovering the theft of a raptor, a~~ falconer shall immediately report the theft of a raptor to the Department and USFWS ~~upon discovering the theft of a raptor by:~~
 - a. Contacting the Department's regional office within 48 hours; and
 - b. Submitting the electronic 3-186A form within 10 days.
- P.** A licensed falconer shall print and maintain copies of all required electronic database submissions for each falconry raptor possessed by the falconer. The falconer shall retain copies of all submissions for a period of five years from the date on which the raptor left the falconer's possession.
- Q.** A licensed falconer or ~~an individual~~ a person with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
 - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
 - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
 - c. A valid Arizona hunting or combination license. A ~~Three Day Class H Hunting~~ short-term combination hunting and fishing license is not valid for capturing a raptor under this subsection.
 2. An Apprentice falconer may take from the wild:
 - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings or
 - b. An adult raptor.
 3. A General or Master falconer may take from the wild:
 - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or

- b. An adult raptor.
- 4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
- 5. A falconer attempting to capture a raptor shall:
 - a. Not use stupefying substances;
 - b. Use a trap or bird net that is not likely to cause injury to the raptor;
 - c. Ensure that each trap or net the falconer is using is continually attended; and
 - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
- 6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
 - a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
 - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
- 7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
- 8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
- 9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.
- 10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
 - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any ~~provisions~~ requirement established under this Section.
 - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.

11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL, ~~by calling 1(800) 327-2263~~, and the Department:
 - a. Species,
 - b. Band or tag number,
 - c. Location of the capture, and
 - d. Date of capture.
 - e. A person can report the capture of a raptor wearing a research band or tag to BBL by calling 1(800) 327-2263.
13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz~~;~~ counties, a licensed falconer shall:
 - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
 - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 ~~CFR~~ C.F.R. part 22. The Master falconer may:
 - a. Capture an immature or sub-adult golden eagle, or
 - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it.
 - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at

least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.

17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 through 1534, or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.
- R.** A licensed falconer shall comply with all of the following banding requirements:
1. A licensed falconer shall ensure the following raptors are banded after capture:
 - a. Northern Goshawk,
 - b. Harris's hawk (*Parabuteo unicinctus*), and
 - c. Peregrine falcon.
 2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
 3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
 4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 ~~CFR~~ C.F.R. 21.30.
 5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
 6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.
- S.** A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1) ~~when the band is causing the raptor injury or health issues.~~
1. The falconer shall submit a written request ~~and a statement from a licensed veterinarian indicating the band is causing the raptor injury or health issues~~ to the Department.
 2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
 3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.
- T.** A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.

- U. A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.
 - 1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
 - 2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.
- V. A licensed falconer may release:
 - 1. A wild-caught raptor permanently into the wild under the following circumstances:
 - a. The raptor is native to Arizona,
 - b. The falconer removes the raptor's falconry band and any other falconry equipment prior to release, and
 - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
 - 2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
 - 3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.
- W. A Master falconer may conduct and receive payment for any abatement services conducted with a falconry raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. A General falconer may conduct abatement services only when authorized under the federal permit held by the Master falconer.
- X. A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Y. A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretakers possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

- Z.** A licensed falconer may assist a wildlife rehabilitator in conditioning a raptor in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under ~~R 12-4-423(N)~~ R12-4-423(U), unless the raptor is:
1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection,
 2. Allowed to remain with the rehabilitator for a longer period of time as authorized under ~~R12-4-423(N)~~ R12-4-423(U), or
 3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; in a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program ~~is falconry~~. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.
- CC.** A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:
1. The falconer is not compensated for these activities; and
 2. The final product from these activities:
 - a. Promotes the practice of falconry;
 - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
 - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
 - d. Is used in scientific research or science publications.
- DD.** A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy,

sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently ~~and previously possesses or has~~ possessed.

1. The licensed falconer may transfer or receive feathers for imping from:
 - a. Another licensed falconer,
 - b. A licensed wildlife rehabilitator, or
 - c. Any licensed propagator located in the ~~U.S~~ United States.
2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
 - a. Any person or institution permitted to possess falconry raptor feathers,
 - b. Any person or institution exempt from the permit requirement under 50 ~~CFR~~ C.F.R. 21.12, or
 - c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.

EE. Arizona licensed falconers importing raptors into Arizona shall have a ~~certificate of health~~ certificate issued no more than 30 consecutive days:

1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

FF. A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band and the person receiving the raptor possesses an appropriate special license:

1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

GG. A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:

1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

HH. A licensed falconer may transfer:

1. Any wild-caught falconry raptor lawfully captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
 - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
 - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one-year preceding the transfer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian or licensed rehabilitator, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian or rehabilitator stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

II. A licensed falconer shall not transfer a wild-caught raptor ~~captured in Arizona under a permit tag~~ species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor ~~captured in Arizona without a permit tag~~ that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time

JJ. A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

KK. A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:

1. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
2. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
3. For all other species:
 - a. Submit the carcass to a non-eagle repository;
 - b. Submit the carcass to the Department for submission to a non-eagle repository;

- c. Donate the body or feathers to any person or institution exempt under 50 ~~CFR~~ C.F.R. 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
 - d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
 - e. Burn, bury, or otherwise destroy the carcass; or
- f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.

R12-4-423. Wildlife Rehabilitation License

A. ~~For the purposes of this Section, the following definitions apply:~~

- 1. ~~"Agent," in addition to the definition in R12 4 401, means the same as "sublicensee" or "subpermittee" as these terms are used in federal regulations that this Section references.~~
- 2. ~~"Assistant" means an individual who is not designated as an agent, as defined in R12 4 401 and this Section, who assists a wildlife rehabilitation license holder, and is under the direct supervision of the license holder at the premises described on the license.~~
- 3. ~~"Migratory birds" means all species listed in 50 CFR 10.13, revised October 1, 1999, not including any later amendments or editions, which is incorporated by reference. A copy of the incorporated material is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~
- 4. ~~"Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation.~~

B. ~~A wildlife rehabilitation license allows an individual to capture alive; transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian for treatment or euthanasia or to another rehabilitator licensed for the wildlife; release; or euthanize an injured, diseased, disabled, orphaned, or otherwise debilitated live wildlife specified on the license. The license also allows an individual to export, transfer to a licensed zoo, or dispose of wildlife as directed in writing by the Department. A wildlife rehabilitation license holder shall not display for educational purposes, exhibit, or permanently possess wildlife held under the license. The Department may add stipulations to a license, as stated in R12 4 409, if the Department finds it is necessary to do so after reviewing an application for a license, submitted as prescribed by subsection (D), and evaluating the activities that an applicant proposes to perform.~~

C. ~~Before applying for a wildlife rehabilitation license, an individual shall take an examination administered and supervised by the Department that covers wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12 4 428; human and wildlife safety considerations; and state laws regarding wildlife rehabilitation, specifically R12 4 409 and this Section. An individual shall make an appointment with the~~

Department to take the examination during normal business hours. An individual may request that the test be written or tape recorded. The Department shall mail the results to the individual within 30 calendar days of the examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.

D. An applicant shall apply for a wildlife rehabilitation license using a form available from the Department. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. Documentation of one or more of the following:
 - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
 - b. A minimum of six months of experience performing wildlife rehabilitative work for an average of at least eight hours per week for the taxa or species of animal in subsection (D)(5) that is listed on the application; or
 - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
3. Documentation that the applicant has answered correctly at least 80% of the questions on the examination in subsection (C), and that the applicant took the examination within five years of applying for the license;
4. One or more of the following supporting documents:
 - a. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
 - b. A typed, computer or word processor printed, or legibly handwritten statement signed by the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or
 - c. A typed, computer or word processor printed, or legibly handwritten statement signed by a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the applicant as necessary to facilitate rehabilitation of wildlife. The license holder shall be responsible for any veterinary expenses.
5. The wildlife taxa or species that will be used under the license. The Department shall only issue a wildlife rehabilitation license for the following taxa or species of wildlife:
 - a. Amphibians: all amphibians;
 - b. Reptiles: all reptiles;
 - c. Birds:
 - i. Non passerines, birds in any order other than those named in (ii) through (vi);
 - ii. Raptors, birds in the orders Falconiformes or Strigiformes;
 - iii. Quails, birds in the order Galliformes;
 - iv. Doves, birds in the order Columbiformes;

- v. ~~Hummingbirds, birds in the order Trochiliformes; and~~
- vi. ~~Passerines, birds in the order Passeriformes;~~
- d. ~~Mammals:~~
 - i. ~~Nongame mammals;~~
 - ii. ~~Bats: all bats;~~
 - iii. ~~Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn antelope; and~~
 - iv. ~~Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and~~
- e. ~~The Department shall not issue a wildlife rehabilitation license for the following wildlife species unless the applicant specifically states the species on the license application:~~
 - i. ~~Arizona ridge nosed rattlesnakes;~~
 - ii. ~~Banded rock rattlesnakes;~~
 - iii. ~~Desert massasaugas;~~
 - iv. ~~Flat tailed horned lizards;~~
 - v. ~~Gila monsters;~~
 - vi. ~~Eagles; and~~
 - vii. ~~Notwithstanding the taxa listed in subsections (D)(5)(a) through (d), species listed in Federal Endangered and Threatened Wildlife and Plants, 50 CFR 17.11, revised as of August 4, 2004, and species listed in Wildlife of Special Concern;~~
- 6. ~~If the applicant is applying for a wildlife rehabilitation license to perform authorized activities with migratory birds, evidence showing that the applicant meets the following criteria:~~
 - a. ~~The applicant is at least 18 years old; or~~
 - b. ~~The applicant has a parent or legal guardian cosign the application and the signature is notarized;~~
- 7. ~~A typed, computer or word processor printed, or legibly handwritten narrative that describes the following:~~
 - a. ~~The method of disposing of the wildlife that the applicant prefers: export, transfer to a licensed zoo, or another method as directed in writing by the Department; and~~
 - b. ~~If the applicant applies to perform authorized activities with taxa or species of wildlife that are listed in subsection (D)(4)(e), a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species;~~
- 8. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
- 9. ~~A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12 4 428 and any other captivity standards prescribed by this Section;~~
- 10. ~~If the applicant is authorizing an agent, the information stated in subsections (D)(1), (3), (5), (6), (7), (8), (9), and (11), as applicable to the agent. The agent shall sign and date the affidavit stated in subsection~~

~~(D)(11), but shall omit (d). By signing the affidavit, the agent attests that the information provided is true and correct to the agent's knowledge and that the agent has not had live wildlife privileges revoked in this state or any other state or the United States.~~

~~11. The applicant's signature and the date of signing. By signing the application, the applicant attests to the following:~~

- ~~a. The information the applicant has provided is true and correct to the applicant's knowledge;~~
- ~~b. The applicant is applying for the license for the sole purpose of restoring wildlife to the wild through rehabilitative activities;~~
- ~~c. The applicant understands that all wildlife held under the license remains the property of the state and shall be returned to the Department upon request;~~
- ~~d. The applicant is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omission of all agents and assistants when they are performing activities authorized under the license;~~
- ~~e. The applicant shall conduct rehabilitation at the location listed on the license; and~~
- ~~f. The applicant's live wildlife privileges are not revoked in this state, any other state, or the United States.~~

~~E. The Department shall issue a wildlife rehabilitation license in compliance with R12-4-106. The Department may deny a license or limit a license based upon the training and experience of the applicant. If the Department denies the application for a wildlife rehabilitation license, the Department shall proceed as prescribed by R12-4-409(D).~~

~~F. A wildlife rehabilitation license expires on December 31 of the third year following the date of issuance of the license. A wildlife rehabilitation license holder shall renew the license before it expires as stated in R12-4-409(M). If the license holder applies to renew the license as prescribed by subsection (D), the license holder may reference supportive material previously submitted to the Department if the license holder is not changing the species, location, or design of the facility where the wildlife will be held. The license holder shall retake the examination in subsection (B) if written reports submitted under subsection (S) indicate that the applicant did not perform any rehabilitative activities under the license.~~

~~G. A wildlife rehabilitation license holder shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.~~

~~H. A wildlife rehabilitation license holder shall keep a current log that records the information specified under subsection (S).~~

~~I. A wildlife license holder shall participate in one of the following during the license period:~~

- ~~1. Eight or more hours of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each license holder with a minimum of 30 calendar days' notice of the sessions; or~~
- ~~2. Eight or more hours of continuing education sessions on wildlife rehabilitation offered by an accredited university or college; the National Wildlife Rehabilitation Council, R.R. 1, Box 125 E Brighton, IL 62012;~~

~~or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, CA 94598.~~

- ~~J. A wildlife rehabilitation license holder shall obtain written authorization from the Department before allowing an individual to act as an agent. The agent shall have the authorization in possession and available for Department inspection while performing activities authorized by the license. The Department may suspend or revoke the license holder's license for violation of this Section by an agent.~~
- ~~K. A wildlife rehabilitation license holder may make a written request at any time during the license period to amend the license to add or delete an agent, to add or delete premises where wildlife is held, or to obtain authority to rehabilitate additional taxa of wildlife. To amend the license, the applicant shall submit the following:~~
 - ~~1. To add or delete an agent, the information stated in subsections (D)(1), (3), (5) through (9), and (11), as applicable to the agent;~~
 - ~~2. To add or delete premises, the information stated in subsection (D)(1), (5), (8), (9), and (11); and~~
 - ~~3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (D)(1) through (9) and (11).~~
- ~~L. A wildlife rehabilitation license holder may accept donations from the public to compensate for expenses related to activities authorized under the license, or to provide materials or facilities necessary to perform those activities.~~
- ~~M. A wildlife rehabilitation license holder authorized to rehabilitate wildlife taxa or species listed in subsection (D)(5)(d)(iii) and (iv) or (D)(5)(e) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.~~
- ~~N. Except when the Department has authorized possession for a longer period, a wildlife rehabilitation license holder shall not possess a bird longer than 180 days or other wildlife longer than 90 days; and all wildlife not releasable after these time frames may be retained, transferred, disposed of, or euthanized as authorized by the Department. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request. A license holder shall submit a written request to the Department to hold wildlife for longer than specified in this subsection. The Department may require the license holder to provide a typed, computer or word processor printed, or legibly handwritten statement signed by a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the license holder regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's statement. The license holder may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time dated directions on disposition of the animal.~~
- ~~O. A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but not for longer than has been authorized under subsection (N). Rehabilitated wildlife shall be released at an~~

ecologically appropriate time of year, into a habitat suitable to sustain it and:

1. ~~In the same geographic area from which the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or~~
 2. ~~In an area designated by the Department; and~~
 3. ~~Without immediate threat to the animal of injurious contact with humans.~~
- P.** ~~To permanently hold rehabilitated wildlife that is unsuitable for release, a licensee wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license under as prescribed by R12-4-417.~~
- Q.** ~~Unless otherwise stipulated in the license, a wildlife license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license within 30 days of death by burial or incineration, except that the license holder shall transfer all carcasses of endangered or threatened species, wildlife of special concern as defined in R12-4-401, or eagles to the Department.~~
- R.** ~~A wildlife rehabilitation license holder shall ensure that a copy of the license, including any stipulations placed on that license, accompanies any shipment or transport of wildlife under this Section, and is available for Department inspection at each of the premises authorized by the license.~~
- S.** ~~Before January 31 of each year, a wildlife rehabilitation license holder shall file a written report on activities performed under the license for the previous calendar year. The license holder shall report on a form available from the Department. The written report shall contain the following information:~~
1. ~~The name, address, date of birth, and telephone number of the licensee and all agents;~~
 2. ~~The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and~~
 3. ~~An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include the: name of the species; condition that required rehabilitation; source, location, and date of acquisition; if reasonably determinable, age class at acquisition; status at disposition or end of year relative to the condition requiring rehabilitation; and method, place, and date of disposition. A copy of the rehabilitator's federal permit report of activities related to federally protected wildlife satisfies this reporting requirement for federally protected wildlife.~~
- T.** ~~A wildlife rehabilitation license holder is subject to R12-4-409, R12-4-428, and R12-4-430.~~
- A.** For the purposes of this Section, "volunteer" means a person who:
- Is not designated as an agent, as defined under R12-4-401,
 - Assists a wildlife rehabilitation license holder without compensation, and
 - Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.
- B.** A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:

1. Capture;
 2. Euthanize;
 3. Export to a licensed zoo, when authorized by the Department;
 4. Rehabilitate;
 5. Release;
 6. Temporarily possess;
 7. Transport; or
 8. Transfer to one of the following:
 - a. Licensed veterinarian for treatment or euthanasia;
 - b. Another appropriately licensed special license holder;
 - c. Licensed zoo, when authorized by the Department; or
 9. As otherwise directed in writing by the Department.
- C.** A wildlife rehabilitation license authorizes the possession of the following taxa or species:
1. Amphibians;
 2. Reptiles;
 3. Birds:
 - a. Non-passerines, birds in any order other than those named in subsections (b) through (e);
 - b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
 - c. Birds in the order, *Galliformes* quails;
 - d. Birds in the order *Columbiformes*, doves;
 - e. Birds in the order *Trochiliformes*, hummingbirds; and
 - f. Birds in the order *Passeriformes*, passerines;
 4. Mammals:
 - a. Nongame mammals;
 - b. Bats;
 - c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn, and turkey;
 - d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
 - e. Small game mammals.
- D.** A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
1. Eagles;
 2. Species listed under Federal Endangered and Threatened Wildlife and Plants, 50 C.F.R. 17.11; and
 3. The Department's Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.
- E.** All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.
- F.** The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.

- G.** In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.
- H.** The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person's wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.
- I.** The license holder shall be responsible for compliance with all applicable regulatory requirements; the wildlife rehabilitation license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- J.** Before applying for a wildlife rehabilitation license, a person shall successfully complete an examination conducted by the Department. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
1. Examinations are provided by appointment, only.
 2. An applicant may request a verbal or written examination.
 3. The examination shall include questions regarding:
 - a. Wildlife rehabilitation;
 - b. Safe handling of wildlife;
 - c. Transporting wildlife;
 - d. Humane treatment;
 - e. Nutritional requirements;
 - f. Behavioral requirements;
 - g. Developmental requirements;
 - h. Ecological requirements;
 - i. Habitat requirements;
 - j. Captivity standards established under R12-4-428;
 - k. Human and wildlife safety considerations;
 - l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
 - m. National Wildlife Rehabilitation Association minimum standards for wildlife rehabilitation.
 4. The applicant must successfully complete the examination within three years prior to the date on which the initial application for the license is submitted to the Department.
- K.** A person applying for a wildlife rehabilitation license shall submit an application to the Department. A separate

application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. The applicant shall provide the following information on the application:

1. The applicant's information:
 - a. Name;
 - b. Date of birth;
 - c. Mailing address;
 - d. Telephone number;
 - e. Facility address, if different from mailing address;
 - f. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates; and;
 - g. Department ID number, when applicable;
 2. The wildlife taxa or species listed under subsection (C) that will be used under the license;
 3. For each location where the wildlife will be used, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
 4. A detailed description, diagram, and photographs of the facility where the applicant will hold the wildlife, and a description of how the facility complies with R12-4-428 and any other captivity standards established under this Section;
 5. Any other information required by the Department; and
 6. The acknowledgment required under R12-4-409(C).
- L.** In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:
1. Any one or more of the following:
 - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
 - b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
 - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
 2. Proof the applicant successfully completed the examination required under subsection (K) no more than three years prior to submitting the application;
 3. An affidavit signed by the applicant affirming either of the following:
 - a. The applicant is a licensed veterinarian; or

- b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
4. A written statement describing:
- a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (A); and
- b. A statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).
- M. A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.
1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any rehabilitative activities under the license.
3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the continuing education requirement established under subsection (N).
- N. During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education courses may be obtained from:
1. An accredited university or college;
2. The National Wildlife Rehabilitators Association, 2625 Clearwater Rd. Suite 110, St. Cloud, MN 56301;
3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.
- O. A wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
- a. An employment or supervisory relationship exists between the applicant and the agent, and
- b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.

4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
 5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and present it for inspection upon the request of any Department employee or agent.
- P.** At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To request an amendment, the license holder shall submit the following information to the Department, as applicable:
1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) and (L)(2), as applicable to the agent;
 2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and
 3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).
- Q.** A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.
- R.** A wildlife rehabilitation license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
 3. Ensure each facility is inspected by the attending veterinarian at least once every year.
 4. Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
 5. Conduct rehabilitation only at the location listed on the license
 6. Be responsible for all veterinary expenses incurred and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
 7. Immediately surrender wildlife held under the license to the Department upon request.
 8. Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.
 9. Maintain a current log that records the information specified under subsection (Z).
 10. Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and present it for inspection upon the request of any Department employee or agent.

11. Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.
- S.** A wildlife rehabilitation license holder shall not:
1. Display for educational purposes any wildlife held under the license.
 2. Exhibit any wildlife held under the license.
 3. Permanently possess any wildlife held under the license.
- T.** A wildlife rehabilitation license holder may possess:
1. All wildlife for no more than 90 days; or
 2. A bird for no more than 180 days, unless the Department has authorized possession for a longer period of time.
- U.** A license holder may request permission to possess wildlife for a longer period of time than specified in subsection (T) by submitting a written request to the Department.
1. The Department shall approve or deny the request within ten days of receiving the request.
 2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
 3. The license holder may continue to hold the specified wildlife while the Department considers the request.
 4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.
- V.** A wildlife rehabilitation license holder may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
 2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
 3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
 4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).
- W.** A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to prepare the wildlife for release. Rehabilitated wildlife shall be released:
1. In an area without immediate threat to the wildlife or contact with humans;
 2. During an ecologically appropriate time of year and time of day; and
 3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
 4. In an area designated by the Department.
- X.** Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.
- Y.** To permanently hold rehabilitated wildlife that is unsuitable for release, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.

Z. A wildlife rehabilitation license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall contain the following information:
 - a. The license holder's:
 - i. Name;
 - ii. Mailing address; and
 - iii. Telephone number;
 - b. Each agent's:
 - i. Name;
 - ii. Mailing address; and
 - iii. Telephone number;
 - c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and
 - d. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include:
 - i. Species;
 - ii. Condition that required rehabilitation;
 - iii. Date of acquisition;
 - iv. Source of acquisition;
 - v. Location of acquisition;
 - vi. Age class at acquisition, when reasonably determinable;
 - vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
 - viii. Method of disposition;
 - ix. Location of disposition; and
 - x. Date of disposition.
 - e. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife satisfies the reporting requirement established under subsection (c) for federally protected wildlife.

AA. A wildlife rehabilitation license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430, as applicable.

R12-4-424. White Amur Stocking and Holding License

A. For the purposes of this Section:

1. "Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from ingress or egress by any natural or man-made barrier, as determined by the Department.
2. "Triploid" means a species that has 3N chromosomes.

B. A white amur stocking and holding license allows an individual to import, transport, stock, and possess triploid white amur (*Ctenopharyngodon idella*).

C. An applicant for a white amur stocking and holding license shall use a form available from any Department office. The applicant shall provide the following information on the form:

1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
2. Whether the applicant will use the white amur for personal use or a commercial purpose. If the applicant is applying for the license for a commercial purpose, the applicant shall also provide the name, address, and telephone number of the applicant's business;
3. The purpose of stocking the wildlife:
 - a. To control aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water;
 - b. To control aquatic weeds that impair water quality; or
 - c. For sale from licensed fish farms.
4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, as required by A.R.S. § 17-317, and a description of how the system meets the definition of a "closed aquatic system" in subsection (A);
5. The name, address, and telephone number of the location where the white amur will be stocked, if applicable. Otherwise, the applicant shall provide the physical location of the stocking site, including township, range, and section. If the applicant applies to stock white amur in more than one location, the applicant shall submit a separate application for each location. The following qualify as separate locations:
 - a. Each closed aquatic system;
 - b. Each separately managed portion of a closed aquatic system; and
 - c. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
6. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
7. A detailed description of how the applicant will meet the requirements of A.R.S. § 17-317;
8. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
9. The number and size of white amur to be stocked;
10. The date white amur will be stocked, or dates if stocking will take more than one day; and

11. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~
- D.** ~~The Department shall issue a white amur stocking and holding license as prescribed by R12 4 106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12 4 409(D). The Department has the authority to place additional stipulations on a white amur stocking license for additional reasons than those stated in R12 4 409(F) if the Department determines it is necessary to do so during the substantive review time frame. If the Department determines during the substantive review time frame that stocking white amur will take place in a watershed that contains wildlife listed in "Wildlife of Special Concern" as defined in R12 4 401, the Department has the authority to request that the applicant submit a typewritten, computer or word processor printed, or legibly handwritten proposal that addresses the biological consequences of introducing white amur. The proposal shall include:~~
- ~~1. The purpose of introducing white amur;~~
 - ~~2. Expected benefits of the introduction;~~
 - ~~3. Possible negative impacts of the introduction;~~
 - ~~4. An evaluation of the ecology and potential displacement of wildlife species listed in "Wildlife of Special Concern" identified by the Department;~~
 - ~~5. An evaluation of disease potential; and~~
 - ~~6. A method for evaluating the status of wildlife listed in "Wildlife of Special Concern" and the impact introducing white amur has had on that wildlife after white amur is introduced.~~
- E.** ~~If the Department denies the application for a special license, the Department shall proceed as prescribed by R12 4 409(D). The Department shall deny a white amur stocking license if the Department determines that issuing the license may result in a negative impact on state wildlife.~~
- F.** ~~A white amur stocking and holding license holder shall ensure that all shipments of white amur are accompanied by certification issued by the U.S. Fish and Wildlife Service that verifies the white amur are triploid. The license holder shall provide a copy of the certificate to the Department before any stocking or restocking.~~
- G.** ~~A white amur stocking and holding license holder shall report all restocking of white amur to the Department on forms provided by the Department before restocking. The license holder shall provide the following information on the form:~~
- ~~1. Name, address, telephone number, birthdate, physical description, and Department ID number of the license holder as it appears on the current license;~~
 - ~~2. If the applicant will use the white amur for a commercial purpose, the name, address, and telephone number of the applicant's business;~~
 - ~~3. The purpose for restocking the white amur:~~
 - ~~a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;~~

- ~~b. Control of aquatic weeds that impair water quality; or~~
- ~~e. For sale from licensed fish farms.~~
- 4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, and a description of how the facilities meet the definition of a "closed aquatic system";
- 5. ~~If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;~~
- 6. ~~The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;~~
- 7. ~~The number and size of white amur to be stocked;~~
- 8. ~~The date white amur will be stocked, or dates if stocking will take more than one day; and~~
- 9. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to their knowledge and that the applicant's have not had their live wildlife privileges revoked in this state or any other state since the current license was issued.~~
- ~~H. The Department shall not grant authorization for restocking white amur for more than 20 days. Authorization is valid only during the dates stipulated on the license.~~
- ~~I. A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.~~
- ~~J. A white amur stocking and holding license holder is subject to R12-4-409.~~
- A. For the purposes of this Section:
 - "Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from entering or exiting the system by any natural or man-made barrier, as determined by the Department.
 - "Triploid" means a species having 1.5 chromosome sets that renders them sterile.
- B. A white amur stocking and holding license allows a person to import, possess, stock in a closed aquatic system, and transport triploid white amur (*Ctenopharyngodon idella*).
- C. The white amur stocking and holding license is valid for no more than 20 consecutive days.
- D. In addition to the requirements established under this Section, a white amur stocking and holding license holder shall comply with the special license requirements established under R12-4-409.
- E. The license holder shall be responsible for compliance with all applicable regulatory requirements; the white amur stocking and holding license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a white amur stocking and holding license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice

established under R12-4-409(F) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking license when it determines the issuance of the license may result in a negative impact on native wildlife.

G. A person applying for a white amur stocking and holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to stock white amur. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov. The applicant shall provide the following information on the application:

1. The applicant's information:

- a. Name;
- b. Mailing address;
- c. Telephone number; and;
- d. Department ID number, when applicable;

2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:

- a. Name;
- b. Federal Tax Identification Number;
- c. Mailing address; and
- d. Telephone number;

3. For each location where the white amur will be held, stocked, or restocked, the land owner's:

- a. Name;
- b. Mailing address;
- c. Telephone number; and
- d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
- e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
 - i. Each closed aquatic system;
 - ii. Each separately managed portion of a closed aquatic system; or
 - iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;

4. A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:

- a. A description of how the system meets the definition of a "closed aquatic system" in subsection (A);
- b. Size of waterbody proposed for stocking;
- c. Nearest river, stream, or other freshwater system;
- d. Points where water enters into each water body;

- e. Points where water leaves each water body; and
- f. Location of fish containment barriers;
- 5. For each wildlife supplier from whom the applicant will obtain white amur, the supplier's:
 - a. Name;
 - b. Federal Tax Identification Number;
 - c. Mailing address; and
 - d. Telephone number;
- 6. The number and average length of white amur to be stocked;
- 7. The dates white amur will be stocked; or restocked;
- 8. Any other information required by the Department; and
- 9. The acknowledgment required under R12-4-409(C).
- H.** When the Department determines an applicant proposes to stock and hold white amur in a watershed in a manner that conflicts with the Department's efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:
 - 1. Anticipated benefits from introducing white amur;
 - 2. Potential risks introducing white amur may create for wildlife, including:
 - a. Whether white amur are compatible with native aquatic species or game fish; and
 - b. Method for evaluating the potential impact introducing white amur will have on wildlife;
 - 4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's online Environmental Review On-Line Tool, which is available at www.azgfd.gov. The proposal must address each species listed.
- I.** A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.
- J.** A white amur stocking and holding license holder shall comply with the requirements established under R12-4-409.
 - 1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 - 2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond certified free of the diseases and causative agents through the following actions:
 - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
 - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.

- c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
- 3. Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked.
- 4. Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.
- 5. Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking and holding license and present it for inspection upon the request of any Department employee or agent.
- K.** A white amur stocking and holding license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments

- ~~A. An individual who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to this Section may continue to possess the wildlife and to use it for any purpose that was lawful before the effective date of this Section or any subsequent amendments, and no special license shall be required if:~~
 - ~~1. The individual notifies the Department's Phoenix office in writing of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used; and~~
 - ~~2. The individual provides this notice within 30 calendar days of the effective date of this Section or any subsequent amendments to this Section; or~~
 - ~~3. The individual maintains documentation of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used. Documentation shall be notarized and dated within 30 calendar days of the effective date of this Section or the effective date of any subsequent amendments in order to be valid.~~
- ~~B. An individual who possesses restricted live wildlife under this Section shall include the individual's name, address, and the location where the wildlife is held in the written notification or documentation required in subsection (A). The Department shall acknowledge receipt of notification in writing. Those individuals that maintain their own documentation under subsection (A)(3) shall make it available for inspection upon request of a designated Department employee.~~
- ~~C. An individual that possesses wildlife under this Section may dispose of it only by the following methods:~~
 - ~~1. Exportation;~~
 - ~~2. Within the state, to a holder of a special license, if that special license authorizes possession of the species involved;~~
 - ~~3. Euthanasia; or~~

4. ~~As otherwise directed in writing by the Department.~~
- ~~D. If an individual transfers restricted live wildlife possessed under this Section to a special license holder, the license holder shall use and possess the wildlife only as prescribed by that special license.~~
- ~~E. An individual who possesses wildlife under this Section shall dispose of any offspring of that wildlife by export, euthanasia, or as otherwise directed in writing by the Department.~~
- ~~F. An individual who possesses wildlife under this Section or its offspring shall not import the wildlife back into the state unless the individual obtains a special license.~~
- ~~G. An individual is not required to give notice of possession of a desert tortoise (*Gopherus agassizii*) under this Section. Possession of desert tortoises is prescribed under R12-4-404 and R12-4-407.~~
- A. A person who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person complies with the requirements established under subsections (A)(1) or (A)(2).
1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the Department or regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
 - a. The number of individuals of each species,
 - b. The purpose for which it is possessed, and
 - c. The unique identifier for each wildlife possessed by the person, as established under subsection (F); or
 2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:
 - a. The number of individuals of each species,
 - b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
 - c. The purpose for which it is used, and
 - d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).
 3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).
- B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.
- C. A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:
1. Exportation;
 2. Euthanasia;
 3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the

species involved; or

4. As otherwise directed by the Department in writing.

D. If a person transfers restricted live wildlife possessed under this Section to a special license holder:

1. The exemption for that wildlife under this Section expires, and
2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.

E. A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.

F. A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:

1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.

G. A person possessing a desert tortoise (*Gopherus agassizii*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

R12-4-426. Possession of Primates

A. ~~For the purposes of this Section, the following definitions apply:~~

1. ~~"Primate" means a non human animal in the order Primate not listed in under R12 4 406(G)(4).~~
2. ~~"Infant" means an animal weighing less than 50% of the weight of an adult as identified in "The Pictorial Guide to Living Primates," Pogonias Press 1996, and not including any later edition. This material is incorporated by reference and is available from all Department regional offices and from Pogonias Press, 1411 Shannock Rd., Charlestown, RI 02813 3278.~~

~~B.A.~~ ~~An individual shall not buy, sell, barter, gift, or import an infant primate in this state~~ A person is prohibited from possessing a primate, unless authorized under a special license or lawful exemption.

~~C.B.~~ ~~An individual~~ A person shall not import a ~~non infant~~ primate into this state unless:

1. ~~The individual ensures that~~ A person lawfully possessing a primate shall ensure the primate is tested and reported to be free of any zoonotic disease, ~~as defined in R12 4 401,~~ that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
 - a. Tuberculosis;
 - b. Simian Herpes B virus; ~~and~~
 - c. Simian Immunodeficiency Virus;
 - d. Simian T Lymphotropic Virus; and
 - e. Gastrointestinal pathogens such as, but not limited to, Shigella, Salmonella, E. coli, and Giardia.
2. A qualified ~~individual~~ person, as determined by the Department, performs the test and provides the test

results; and

3. The tests required ~~by~~ under subsection ~~(C)(4)~~ (B)(1) are ~~conducted~~:
 - a. ~~Conducted~~ no more than 30 days before the ~~person imports the primate is imported~~; and the
 - b. ~~The person submits the results are received by~~ to the Department ~~before import~~ prior to importation.

D.C. ~~A legal owner of a person lawfully possessing the~~ A person lawfully possessing a primate shall contain the primate within the confines of the ~~legal owner's person's private property or licensed facility~~.

D. ~~A legal owner of person possessing a~~ A person lawfully possessing a primate may only transport the primate by way of a secure cage, crate, or carrier. ~~A legal owner of person possessing a~~ A person lawfully possessing a primate shall only transport the primate to the following locations:

1. To or from a licensed veterinarian; ~~or~~
2. Into or out of the state for lawful purposes, ~~or within the state to complete a lawful sale~~.

E. ~~A person lawfully possessing a~~ A person lawfully possessing a primate that ~~bites, scratches bit, scratched, or otherwise exposes exposed~~ a human to pathogenic organisms, as determined by the Department, shall ~~be~~ ensure the primate is examined and laboratory tested for the presence of pathogens as follows:

1. The Department ~~Director or the Director's designee~~ shall prescribe examinations and laboratory testing for the presence of pathogens.
2. The ~~owner of a primate that bites, scratches, or otherwise exposes a human to pathogenic organisms~~ person shall have the primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department.

a. The licensed veterinarian shall provide the laboratory results to the ~~Director or the Director's designee~~ Department within 24 hours of receiving the results.

b. The Department shall notify the exposed ~~individual person~~ person and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.

3. The ~~legal owner of person possessing the~~ person lawfully possessing the primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.

F. ~~A person lawfully possessing a primate shall ensure a~~ A person lawfully possessing a primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, ~~shall be is~~ maintained in captivity or disposed of as directed in writing by the ~~Director or the Director's designee~~ Department.

G. A zoo license holder or a person using primates at a research facility, as defined under R12-4-401, possessing a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms shall quarantine and test the primate in accordance with procedures approved by the Department.

H. A person lawfully possessing a primate is subject to the requirements established under R12-4-428.

R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License

A. ~~An individual~~ A person may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:

1. The order ~~Passeriformes~~; Passeriformes; passerine birds;

2. The order ~~Columbiformes~~; Columbiformes; doves;
3. The family ~~Phasianidae~~; Phasianidae; quail, pheasant, ~~partridge~~, and chukars;
4. The order ~~Rodentia~~; Rodentia; rodents; and
5. The order ~~Lagomorpha~~; Lagomorpha; hares and rabbits.

B. This Section does not:

1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.

C. This Section does not authorize the possession of any of the following:

1. Eggs of wildlife;
2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401; or
3. More than 25 animals at the same time.

~~B.D.~~ ~~An individual~~ A person taking and caring for wildlife listed under this Section is not required to possess a hunting license ~~to take wildlife alive listed in subsection (A).~~

~~E.~~ ~~An individual~~ A person shall only take wildlife listed ~~in~~ under subsection (A) by hand or by a hand-held implement. ~~An individual shall not possess the following under the provisions of this Section:~~

1. ~~Eggs of wildlife;~~
2. ~~Wildlife listed as Wildlife of Special Concern, as defined in R12-4-401; or~~
3. ~~More than 25 animals at the same time.~~

~~C.F.~~ ~~An individual~~ A person shall not possess wildlife lawfully held under this Section for more than 60 days.

~~D.G.~~ The exemptions granted ~~by~~ under this Section shall not apply to any ~~individual person~~ who, by ~~his or her~~ their own action, has unlawfully injured, ~~or orphaned, or otherwise debilitated~~ the wildlife.

~~E.H.~~ If the wildlife is rehabilitated and suitable for release, the ~~individual person~~ who possesses the wildlife shall release it within the 60-day period ~~stated in~~ established under subsection (C) ~~into;~~

1. Into a habitat that is suitable to sustain the wildlife, or ~~as~~
2. As close as possible to the same geographic area from where it was taken.

~~I.~~ If the wildlife is not rehabilitated within the 60-day period or ~~if~~ the wildlife requires care normally provided by a veterinarian, the ~~individual person~~ who possesses it shall:

1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
2. ~~Humanely kill~~ Euthanize it; or
3. Obtain a wildlife holding permit as ~~prescribed by~~ established under R12-4-417.

~~F.~~ ~~This Section does not exempt an individual from the requirements of federal law.~~

R12-4-428. Captivity Standards

A. ~~An individual who holds a special license listed in R12-4-409(A) shall keep all wildlife held under the license in~~

~~as humane a manner as the activities authorized by the license allow, to safeguard and protect the interests of the wildlife held. A special license holder subject to the provisions of this Section shall comply with the minimum standards for humane treatment prescribed by this Section. For the purposes of this Section, "animal" means any wildlife held possessed under a special license an authority granted under this Article, unless otherwise indicated.~~

B. A person possessing wildlife under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.

B.C. ~~A special license holder~~ person possessing wildlife under an authority granted under this Article shall ensure ~~that all facilities required by the special license~~ meet the following minimum standards:

1. ~~The facility shall be constructed of material and be of a strength appropriate for the nature of the animal held. The facility shall be properly braced and constructed:~~
 - a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. ~~The facility shall be constructed~~
 - b. Constructed in such a manner as designed to reasonably prevent the animal's escape or the entry of unauthorized ~~individuals~~ persons, wildlife, or domestic animals. ~~The facility shall be structurally sound and shall be maintained.~~
 - c. Constructed and maintained in good repair to protect ~~the animals that are held~~ from injury, disease, or death and to ~~facilitate~~ enable the humane practices ~~prescribed by~~ established under this Section.
2. If required to comply with related ~~provisions of~~ requirements established under this Section, ~~there shall be~~ each facility shall be equipped with safe, reliable and adequate electric power ~~to the facility~~.
- a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
 - b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus and the animal is fully protected from any possibility of injury, shock, or electrocution ~~from electric conducting materials~~.
3. ~~Every~~ Each animal shall be supplied with sufficient potable water to meet its needs.
 - a. All water receptacles shall be kept in clean and sanitary condition.
 - b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal dictate.
 - c. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal, ~~and the license holder shall ensure that the level of water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in clean and sanitary condition.~~
4. Food shall be suitable, wholesome, palatable, ~~and~~ free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain ~~in the~~ the good health of each animal ~~that is held in the facility~~.
- a. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal's age, species, condition, health, size, ~~and type of the animal~~, and all

- veterinary directions or recommendations in regard to diet. ~~The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health.~~
- b. Each animal shall be fed as often as its needs dictate, taking into consideration ~~hibernation~~ behavioral adaptations, veterinary treatment or ~~recommendation~~ recommendations, normal fasts, or other professionally accepted humane practices.
 - c. ~~The license holder shall ensure that the~~ quantity or level of available food for each animal is shall be monitored at least once daily, except for those periods of time when professionally accepted humane practices dictate that the animal not consume any food during the entire day.
 - d. Food and food receptacles, ~~if~~ when used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination- and conflict between animals using the receptacles.
 - e. Food receptacles shall be kept clean and sanitary at all times.
 - f. Any self-feeding food receptacles shall function properly and the food they provide shall be monitored at least once daily and shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal ~~to be fed.~~ Appropriate
 - g. An appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires ~~and allows:~~
- a. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food.
 - b. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors.
 - c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination ~~of the animals and to,~~ minimize hazard of disease, ~~and to~~ reduce unseemly odors.
 - d. The sanitary condition of the facility shall be monitored ~~by the licensee~~ at least once daily.
 - e. When the facility is cleaned by hosing, flushing, or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.
6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be ~~properly constructed and kept:~~
- a. Properly constructed.
 - b. Kept in good repair to avoid foul odors ~~and installed~~ or vermin infestation.
 - c. ~~Installed so as to prevent~~ in a manner that prevents the backup or accumulation of debris or sewage.
7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal that is inconsistent with the purpose of the special license.
8. Facilities shall not be constructed or maintained in proximity to any physical condition which may ~~give rise to pose~~ any health threat or unnecessary stress to the animal ~~including, but not limited to, trash or garbage~~

~~collection sites and/or pools of standing water. All individuals that care~~

9. Persons caring for the animals shall ~~maintain~~ conduct themselves in a ~~sufficiently clean condition when dealing in or around the animal so as to minimize any threat to~~ manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.
- 9-10. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This subsection shall not apply to live animals ~~placed~~ utilized as food items in the enclosures.
- 10-11. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments.
- a. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical ~~need~~ needs.
 - b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
 - c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
 - d. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
 - e. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any animal held in the facility.
- 11-12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices ~~prescribed by~~ established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other ~~individuals~~ persons that come in contact with the animals.
12. ~~The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held under a special license.~~
13. ~~Except for wildlife hobby license holders that possess fewer than 50 birds and license holders that possess animals for less than one year, a~~ The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each ~~individual~~ species of animal to be held ~~under any special license issued.~~
- a. The license holder shall ensure that all animals in their care receive proper, adequate, and humane veterinary care as the needs of each animal dictate.
 - b. Each animal held for more than one year or more ~~and each facility used~~ shall be inspected by the attending veterinarian at least once every year.
 - c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is ~~in~~ injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal

manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity.

- d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the ~~licensee~~ license holder, authorized agent, or volunteer. ~~No A license holder, authorized agent, or volunteer shall not administer prescription medicine or medical treatment shall be administered by any license holder,~~ unless under the direction of a veterinarian.

14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis ~~from any animal to whom such disease could be transmitted.~~

- a. The isolated animal shall continue to be kept in a humane manner ~~and in a facility~~ as required ~~by~~ under this Section.

- b. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be ~~reasonably~~ sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not ~~necessarily be~~ limited to, ~~the washing of:~~

- i. Washing facilities or animal-related materials with ~~hot water and~~ appropriate antibacterial chemical agents ~~and appropriate,~~ soaps or detergents; ~~the appropriate~~
- ii. Appropriate application of ~~hot water or~~ steam under pressure; and ~~the replacement~~
- iii. Replacement of gravel, dirt, sand, water, or food, ~~or dirt~~. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility.

- c. Parasites and ~~avian and mammalian pests~~ vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.

C.D. ~~A special license holder~~ In addition the standards established under subsection (C), a person shall ensure that all indoor facilities meet the following minimum standards in addition to those set forth in subsection (B):

1. Heating and cooling ~~facilities~~ equipment shall be ~~supplied that are~~ sufficient to regulate the temperature of the facility to protect the animals from temperature extremes ~~of temperature~~ as the nature of the wildlife requires ~~and to provide a healthful~~ healthy, comfortable, and humane living environment and prevent discomfort to the animal. ~~The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health, comfort, and humane care of any animal.~~
2. Indoor facilities shall be adequately ventilated ~~by natural or mechanical means~~ with fresh air to provide for the ~~healthful~~ healthy, comfortable, and humane keeping of any animal and prevent the discomfort of any animal. ~~The facility shall be provided with fresh air, either by means of windows, doors, vents, fan, or air conditioning sufficient to meet the humane needs of any animal and shall be constructed to minimize drafts, odors, and moisture condensation.~~
3. Indoor facilities shall have lighting ~~by either natural or artificial means, or both, that is appropriate to the nature of the animals being kept.~~ Lighting shall be of a quality, distribution, and duration as is appropriate

for the biological needs ~~and nature~~ of the animals held and to facilitate the inspection and maintenance of the facility. ~~Lighting~~

- a. Artificial lighting, when used, shall be utilized in regular cycles as the animal's needs ~~may~~ dictate. ~~Lighting of uniform distribution and sufficient intensity to permit routine inspection and cleaning of the facility shall be available.~~
- b. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.

~~D.E.~~ ~~A special license holder~~ In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards ~~in addition to those set forth in subsection (B).~~;

1. ~~If sunlight is likely to cause~~ Sufficient shade to prevent the overheating or discomfort of any animal; ~~sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight.~~
2. Sufficient ~~natural or artificial~~ shelter appropriate to humanely protect animals from ~~normally expected local normal~~ climatic conditions ~~through throughout~~ the year ~~shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition that is potentially harmful to the animal. Individual animals~~ Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.

~~E.F.~~ ~~If an animal must be handled, the special license holder that possesses it~~ A person who handles an animal shall ensure ~~that~~ the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.

- a. An animal ~~that is transported~~ shall be transported in ~~an~~ a secure, expeditious, careful, temperature appropriate, and humane ~~fashion manner.~~ ~~During periods of transport, an animal shall be made as humanely secure as reasonably possible. No~~ An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. ~~All facilities and services used to transport the animal shall provide for the basic humane needs of the animal during periods when the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, water, sanitary conditions, and ventilation, and any medication as prescribed by the attending veterinarian. If any~~
- b. An animal is placed on public exhibit or educational display, ~~such animal~~ shall be handled in a manner ~~minimizing that minimizes~~ the risk of harm to members of the public and to the animal: ~~Minimization of risk shall include, which includes but not necessarily be~~ is not limited to providing and maintaining a sufficient distance ~~existing~~ between the animal and the viewing public ~~to assure the safety of both the public and the animals.~~
- c. Any restraint used on ~~any an~~ animal shall ~~be humane in nature and not likely in either its design or use to~~ not cause physical harm or unnecessary discomfort ~~to the restrained animal except when discomfort is necessary to control the animal due to its size or strength.~~

~~F.G.~~ The Department may impose additional requirements on facilities that hold animals ~~if it becomes necessary~~

to meet the needs of the particular animal and to ensure public health and safety. Any additional special license facility requirements shall be set forth in writing by the Department at the time the special license is issued. ~~Any additional requirements for housing facilities shall specify the reason necessitating the additional measures.~~

R12-4-430. Importation, Handling, and Possession of Cervids

~~A.~~ For the purposes of this Section, the following definitions apply:

- ~~1. "Native cervid" means any member of the deer family in the genus Alces, common name moose; the genus Odocoileus, common name white tailed and mule deer; or the genus Cervus, common name red deer, wapiti, and elk; or the genus Rangifer, common name reindeer and caribou.~~
- ~~2. "Wildlife disease" means a disease that poses a health risk to wildlife in Arizona.~~
- ~~3. "Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420.~~

~~B.A.~~ ~~Except~~ The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided in under R12-4-418 and R12-4-420, ~~upon the effective date of this Section, no new special licenses will be issued for live cervids.~~

~~C.B.~~ ~~An individual, including any special license holder,~~ A person shall not import a live cervid into Arizona, except as allowed in subsection (K) a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:

1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility;
2. The nonnative cervid is accompanied by the health certificate, required under 3 A.A.C. Ch 2, Articles 4 and 6, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.

~~D.C.~~ ~~Except as allowed under subsection (L), an individual~~ A person shall not transport a live cervid within Arizona, except to:

1. Export the live cervid from Arizona for a lawful purpose;
2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
3. Transport the live cervid to or from a licensed veterinarian for medical care; ~~or~~
4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
 - a. The current holding facility has been sold or closed;
 - b. Ownership, possession, custody, or control of the cervid will not be transferred to another ~~individual~~ person; and
 - c. The owner of the cervid has prior written approval from the ~~Director of the Arizona Game and Fish~~

Department; or

5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:

- a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
- b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
- c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B) though (B)(3).

~~E.D.~~ ~~An individual~~ A person who lawfully possesses a live cervid ~~held in captivity on the effective date of this Section~~, except any cervid held under a private game farm, ~~wildlife holding~~, or zoo license, shall, ~~within 30 days of the effective date of this Section~~, provide the Department with a written report that contains the following:

1. ~~Name, address, and telephone number of the person possessing the live cervid;~~
2. ~~Number, genus, and species of any live cervid held; and~~
3. ~~Location where the live cervid is held~~ comply with the requirements established under R12-4-425.

~~F.~~ ~~An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section~~, except any cervid held under a private game farm, ~~wildlife holding~~, or zoo license, ~~may continue to possess the live cervid and shall only dispose of the live cervid by the following methods:~~

1. ~~Exportation,~~
2. ~~Euthanasia, or~~
3. ~~As otherwise directed by the Department.~~

E. A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or its parts, from a licensed private game farm.

~~G.~~ ~~An individual who lawfully possesses a live cervid under a private game farm, wildlife holding, or zoo license shall not move, or allow another to move, the cervid from the premises of the game farm, wildlife holding facility, or zoo except to:~~

1. ~~Export the live cervid from Arizona for a lawful purpose,~~
2. ~~Transport the live cervid to a facility for the purpose of slaughter, or~~
3. ~~Transport the live cervid to or from a licensed veterinarian for medical care.~~

~~H.F.~~ In addition to the recordkeeping requirements of R12-4-413, ~~R12-4-417~~, and R12-4-420, ~~an individual a~~ person who possesses a live ~~native~~ cervid under a private game farm, ~~wildlife holding~~, or zoo license ~~on the effective date of this Section~~, and subsequent to the effective date of this Section for progeny, shall:

1. Permanently mark each live ~~native~~ cervid with either an individually identifiable microchip or tattoo within 30 days of ~~the effective date of this Section~~ acquisition or birth of the cervid;
2. ~~Permanently mark the progeny of each live native cervid with either an individually identifiable microchip or tattoo; and~~
3. ~~2. Within 30 days of the effective date of this Section, and annually by December 15, provide~~ Include in the annual report submitted to the Department with a report listing before January 31 of each year, the

following for each ~~live~~ native cervid in the ~~licensee's~~ license holder's possession:

- a. Name of the license holder,
- b. License holder's mailing address ~~and~~,
- c. License holder's telephone number,
- ~~e.d.~~ d. Number and species of live ~~native~~ cervids held,
- ~~d.e.~~ e. The microchip or tattoo number of each live native cervid held, ~~and~~
- ~~e.f.~~ f. The disposition of all ~~native~~ cervids that were moved or ~~that died in the six months before the effective date of this Section or~~ during the current reporting period
- h. Any other information required by the Department to ensure compliance with this Section.

I.G. ~~The holder of a private game farm, wildlife holding scientific collecting, or zoo license shall ensure that the retropharyngeal lymph nodes or obex from the head of a native cervid over one year of age that dies while held under the special licenses (except a native cervid that is slaughtered as allowed under this Section, R12 4 413, R12 4 417, and R12 4 420) is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to the University of Arizona Veterinary Diagnostic Laboratory an Animal and Plant Health Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and online at www.azgfd.gov or www.aphis.usda.gov. The licensee~~ license holder shall ensure that:

1. Ensure the shipment of the deceased animal's ~~head tissues~~ is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment. ~~The Arizona Game and Fish Department shall pay for the cost of the laboratory analysis. The holder of a private game farm, wildlife holding, or zoo license shall include~~
2. Include all of the following information with the shipment of the deceased animal's head tissues, the license holder's:
 - ~~1-a.~~ a. Name of the license holder,
 - ~~2-b.~~ b. License holder's Mailing address, and
 - ~~3-c.~~ c. License holder's telephone Telephone number.
3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.
4. Be responsible for all costs associated with the laboratory analysis.

J. ~~If a zoonotic or wildlife disease, as determined by a person with relevant wildlife disease expertise, exists in any facility or on property holding cervids, and the zoonotic or wildlife disease poses an immediate threat to wildlife or humans, including those animals held under special license, the Arizona Game and Fish Department's Director shall order the immediate quarantine of all wildlife held at the facility or on the property. The Director may suspend the provisions of any applicable special license and order the humane disposition of any affected animal based on an assessment of the threat to public or wildlife health, safety, or welfare. An individual who possesses a cervid where an identified zoonotic or wildlife health risk exists shall, as ordered by the Director,~~

~~quarantine the wildlife, test the wildlife for disease, submit a biological sample to the Department or its designee, and, if necessary, destroy and dispose of the wildlife as directed by the Department.~~

K. ~~A holder of a zoo license may import any live cervid, except a native cervid, for exhibit, educational display, or propagation only if the cervid is quarantined for 30 days upon arrival, and the cervid is procured from a facility that complies with the following requirements:~~

- ~~1. The exporting facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;~~
- ~~2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of import; and~~
- ~~3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.~~

L. ~~A holder of a zoo license may transport within Arizona any live cervid, except a native cervid, for the purpose of procurement or propagation only if the cervid is quarantined for 30 days upon arrival at its destination, and only if the cervid is procured from a facility that complies with the following requirements:~~

- ~~1. The originating facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;~~
- ~~2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of transport; and~~
- ~~3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.~~

M.H. ~~An individual~~ A person who possesses a cervid shall comply with all procedures for ~~tuberculosis~~;

- ~~1. Tuberculosis control and eradication for cervids as prescribed in under the USDA United States Department of Agriculture publication "Bovine Tuberculosis Eradication— Uniform Methods and Rules," USDA APHIS 91-45-011, effective revised January 22, 1999 1, 2005, which is incorporated by reference in this Section. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.~~

~~N.2. An individual who possesses a cervid shall comply with the procedures for the prevention~~ Prevention, control, and eradication of Brucellosis in cervids as prescribed ~~in under~~ the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. ~~91-45-12 91-45-16~~, effective September 30, 1998, ~~revised effective May 14, 1999~~ 2003.

- ~~3. This~~ The incorporated material is ~~incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from at~~ any Department office, online at www.aphis.usda.gov, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

- ~~4. The material incorporated by reference in this Section does not include any later amendments or editions.~~

- ~~O.~~ An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication "Brucellosis Eradication: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-11, effective February 1, 1998. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
- ~~P.I.~~ The Department has the authority to seize, ~~destroy~~ euthanize, and dispose of, ~~at the owner's expense~~, any cervid possessed in violation of this Section, at the owner's expense.